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THE

# HISTORY

OF

# SCOTLAND

UNDER THE

# HOUSE OF STUART.

VOLUME I.

S Harding del. Gardiner sc.

JOHN PINKERTON.

ÆT. XXXVIII. MDCCXCVI.

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THE

# HISTORY

OF

# SCOTLAND

FROM THE

## ACCESSION

OF THE

## HOUSE OF STUART

TO THAT OF

## MARY.

WITH

## APPENDIXES OF ORIGINAL PAPERS.

BY JOHN PINKERTON.

IN TWO VOLUMES.

VOL. I.

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*LONDON:*

PRINTED FOR C. DILLY, IN THE POULTRY.

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# PREFACE.

WITH a conſiderable degree of anxiety the author at length delivers to the public candour the greateſt labour of his life.

The plan of this work being in ſome reſpects new, it may not be unneceſſary to indicate the cauſes of the arrangement. The characters of the monarchs are delineated at the commencement, not at the cloſe, of their reigns; becauſe in the moſt eminent hiſtorical productions, when other perſonages aſcend the ſcene, they are thus introduced, and recommended to the reader's attention, as he becomes more intereſted in the events by a previous acquaintance with the actors. In the other mode the mind ſeems to feel ſome defect in gratification, ſome deſire to reperuſe the reign, in order to mark its correſpondence with the character: nor can any juſt cauſe be aſſigned why the princes ſhould, in this reſpect, be diſtinguiſhed from the other chief perſonages. Nor is the private perſonal character of a monarch always to be diſcerned in the public

public fortunes of his ſovereignty, often the machinations of miniſters and parties, though it doubtleſs have ſuch influence as to deſerve great attention: and modern hiſtory not permitting ſuch variety of rhetoric and digreſſion, as the ancient claſſical models afford, it becomes the more important to preſerve its legal wealth unviolated, and to diverſify the chronicle of wars and treaties by ethic portraiture, by delineations of men and manners. Yet in this arrangement of the characters it becomes indiſpenſable, that the reign be firſt compoſed with complete candour, from the moſt genuine and unbiaſſed ſources, and meditated in all its relations of time, place, and circumſtances, before a juſt eſtimate can be prefixed.

Another novelty is the Retroſpect, interpoſed at appropriated epochs, of the ſtate of the country in civilization, government, laws, tactics, agriculture, commerce, literature, and the arts, during a preceding period. The claſſical page of hiſtory, from the age of Herodotus to the lateſt voice of expiring Rome, is illuminated with ſuch reſearches, though commonly preſented in the form of digreſſions; but they are certainly deſerving of a ſeparate and peculiar nich in the temple of memory. At the ſame time it would be raſh too far to depart from the models venerated

by

by the wiſdom of ages; or to forget that the preſervation of national events is the allotted province of hiſtory. Theſe ſketches muſt therefore be kept in due ſubſervience to the main deſign, leaſt by an injudicious exuberance of extraneous matter the very nature and name of hiſtory periſh; and the grandeſt records of human inſtruction, the moſt pleaſing pages of general entertainment, become cumbrous volumes of reference, chained to the groaning ſhelves of libraries. Sufficiently difficult, if performed with a due ſenſe of its importance, is the taſk of the hiſtorian; and he needs little to encroach on other departments of ſcience, upon which for him to dilate would be as abſurd as if he were to give the natural hiſtory of the animals, and plants, of a kingdom. But when reſtricted within proper bounds, and in ſome imitation of claſſical practice, theſe ſketches may be regarded as not only among the moſt inſtructive and intereſting parts of hiſtory, but as an agreeable variety and relief from the leſs diverſified ſeries of modern events. The author was happy to find that his ideas on this topic completely correſponded with thoſe of the late Mr. Gibbon, who was pleaſed warmly to expreſs his approbation of this part of the plan, of its arrangement, and of the ſpace allotted to it, as calculated, not to

encumber

encumber and oppreſs the genuine province of hiſtory, but to variegate, enliven, and adorn*.

In the important and intereſting diviſion of Scotiſh hiſtory, now before the reader, no pioneer had ariſen to clear the way; and the author ſoon found that the careleſſneſs and inaccuracy, with which it had been treated, exceeded any previous expectation he could have formed. Scarce a ſtep could be advanced, without ſome doubt ariſing in fact, or in chronology, ſo that the information of a paragraph is often the labour of a diſſertation. The moſt ſkillful will be the firſt to pardon any miſtakes that may remain; and the candour of all is requeſted for an attempt derived from ſo many new ſources, ſo many manuſcript materials, that after every care, and attention, not a few errors may have eſcaped notice.

Had the author's abilities been equal to his ambition, it was his object and wiſh, to have rendered the work

* Theſe remarks may, at the ſame time, anſwer the queſtion, why Dr. Henry's plan was not followed: and as little would the author, though he warmly venerate the mutual benefits of the union, be diſpoſed to imitate his example, in ſinking the hiſtory of an independent, and moſt memorable, kingdom, in that of a great neighbouring ſtate; an injudicious mixture, productive of perplexity and confuſion, while clear ideas can only be attained by ſeparate and diſtinct views of their hiſtory and antiquities.

ſo complete a model of modern hiſtory, ſo perſpicuous, intereſting, various, animated, and elegant, as to merit general approbation, as to appear on the toilette as well as in the library: while at the ſame time, the events, chronology, references, and appendixes, ſhould preſent an exactneſs impenetrable by the ſharpeſt ſpear of the ſterneſt antiquary. Vain hopes! His leſs ſanguine expectations may yet claim the humble merits of patience and labour, the nurſes not the parents of genius—may deſcend from the impervious mountains of ability into the vale of accuracy. Yet even accuracy is not the meaneſt merit of the hiſtorian, though to attain it ſomewhat too much may perhaps be found to be here ſacrificed, in minute notes from diplomatic reſources: but in excuſe the reader will remember that this particular diviſion of the Scotiſh hiſtory had never before been attempted by any writer verſed in common authentication, while Sir David Dalrymple, Dr. Robertſon, and other learned and able authors, have minutely illuſtrated the preceding and ſucceeding periods. Such notes are not indeed intereſting to the general reader, but they occupy little ſpace—and the learned will not blame even a ſuperſtitious regard to accuracy and illuſtration, where much confuſion and obſcurity had before prevailed: nor can the author be juſtly cenſured for the cruel neceſſity of being his own pioneer, of

proceeding as in an American foreſt, with moſt cautious ſteps through the ſwamps, and earneſtly clearing his way amid the brambles and thickets of perplexity and error.

Not to mention the innumerable new materials uſed in the various reigns, that of James V, in particular, is almoſt wholly compoſed from the original letters of the chief actors; and is perhaps the firſt attempt of the kind in any language, a few references to ſuch documents having hitherto ſatisfied the ambition of truth and accuracy. On a compariſon with preceding accounts, the reader will judge how much the modern hiſtory of all ſtates might be verified, and improved, by ſuch a plan; and how many groſs errors remain in the moſt celebrated pages of hiſtory. The taſk is indeed laborious, but what is temporary labour when compared with eternal truth?

It is a trite remark that an hiſtorian ſhould belong to no ſect, and no party: with whatever ſeverity and modeſty he may eſtimate his efforts, ſtill his labours, however humble, muſt in their very nature appeal to poſterity; and to pollute his pages with the faction of the day, would be to violate his own dignity, and reject his beſt reward. This work, begun long before

that

that change which produced the preſent opinions and commotions in Europe, was completed in a ſilent inattention to them; and every ſentiment would have been the ſame, if the publication had taken place ten years ago.

Amid times of ſingular difficulty, amid objects of far ſuperior importance, ſhould theſe volumes be received with favour, it would be the author's ambition to complete his deſign, by compoſing on the ſame plan the Hiſtory of Scotland, from the earlieſt accounts to the acceſſion of the houſe of Stuart. In twenty-four books, comprized in two ſimilar volumes, for the documents being more rare the diviſions would be more brief, he would arrange the materials contained in his Enquiry into the early part, and the ſucceeding Annals of Lord Hailes, with numerous important additions and illuſtrations. The materials for this part are nearly complete; and it would give the author great ſatisfaction to be encouraged in preſenting at length an authentic and legitimate hiſtory of his country, diſencumbered from thoſe clouds of fable and error, which have ſo long expoſed it to neglect or contempt.

From the reign of Mary to the union of the crowns, and of the kingdoms, ſo much has been done, that

little it would ſeem remains for future labour. Yet the untouched manuſcript materials might occupy two or three years in the peruſal; and perhaps not a few diſcoveries might be made by indefatigable aſſiduity. The beſt form of ſuch a work might be, one decade of hiſtory to the union of the crowns, and one of annals to that of the kingdoms: any ſucceeding events might appear in a chronological abſtract, at ſufficient length to accompany the general hiſtory of a kingdom.

It only remains to admoniſh the reader, before he proceed to the peruſal of this work, that the letter O, prefixed to a reference, implies that the paper is the Original, either written or ſigned, ſealed or dictated, by the party; and that C is the mark of a Copy, generally contemporary, always ancient.

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# HISTORY OF SCOTLAND.

## BOOK I.

### CONTAINING THE REIGN OF ROBERT II.

*Conſiderations on the acceſſion of the Houſe of Stuart, and its ſtate at the time—character of Robert II—claim of Douglas—tranſactions with France and England—parliament—war with England—Berwick taken and retaken—expedition of Nottingham—incurſions—truce—Lancaſter in Scotland—league with France—parliament—French troops arrive—war with England—expedition of Richard II—Scots attack England—battle of Otterburn—Fife regent—truce—death of Robert.*

THE acceſſion of the family of Stuart to the Scotiſh throne deſerves the particular attention of the hiſtorian. Among the many families, which have held the regal ſceptre in the various kingdoms of Europe, none have been hailed with equal applauſe, none have encountered equal animoſity. This houſe being at the head of affairs, when many violent effervescences of party aroſe, the ſober voice of candour has been drowned 1371

1371 in the tumult of numerous partiſans. Truth has ſighed when ſhe beheld all the weeds of obloquy, and all the flowers of praiſe, heaped upon the ſame monument.

But the period is at length arrived, when the violence both of religious, and of political, party was to ſuffer a conſiderable abatement. When univerſal right of conſcience ſhall order governments to refrain from the private buſineſs of the boſom; and ſhall render even the name of toleration ridiculous by tearing down the veil, which obſcured the moſt ſacred prerogatives of mankind. When the intereſted aims of antiquated parties were to become objects of equal neglect to enlightened nations, who began to ſee that one party alone could ſerve them, an union of the people againſt their corrupters and oppreſſors.

There is a gloomy bigotry in the ſpirit of party which is inimical to reaſon, and which clouds the ſunſhine of the mind. Abſurdity becomes as contagious as a peſtilence; and many tenets are objects of belief becauſe they are impracticable to argument. Hence we ceaſe to wonder when we behold the human character, ſo variable in itſelf, and ſo liable to every alteration of time and circumſtance, ſuppoſed to be conſtant and immutable in one family only. To the jaundiced eye of party the whole Houſe of Stuart became, as it were, one teſt of political and religious opinion. Inſtead of granting, according to the dictates of reaſon and of fact, that the monarchs of that illuſtrious family were as various in their characters, and conduct, as thoſe of any other genealogy, and country, faction has been ſo abſurd as to form them into one houſe of fame, or diſpraiſe. One character alone may indeed be aſcribed to the whole family, in the ſacred term of unfortunate: and their proverbial misfortunes as often contradict the political maxim, that want of ſucceſs is but another expreſſion for defect of prudence, as they confirm the rigorous obſervation. If one other general remark

remark be allowed, it muſt be, that moſt of the princes of this family were better qualified for the enjoyments and elegancies of private life, than for the toil and dazzling buſtle of royalty; and had little of that tyrannic ſplendor which pleaſes the people ſo much, becauſe they regard the monarch as the public repreſentative, and exult when he ſhews his ſpirit by trampling upon them. A mild ſovereign may receive the appellation of a tyrant, from his yielding ſome prerogatives, and thus raiſing hope and reſentment becauſe he concedes not more; while, with equal injuſtice, a deſpot may ſecure popular applauſe, becauſe his royal ſpirit preſerves the tyranny in pure and uncorrupted pomp. To confirm this obſervation let the houſes of Tudor and of Stuart be compared. But after theſe preparatory remarks, it is now proper to return to the immediate courſe of the narration. 1371

The ſceptre of Scotland paſſed to the family of Stuart at an unfortunate period for the acceding progeny. Inſtead of a new ſovereign who might intereſt the wiſhes of the nation, by the amiable and ſplendid promiſes of youth, or excite its confidence and ambition by the ſteady ſpirit of middle age, the reins of government fell into a hand trembling under the weight of years.

In order to enable the reader to form juſt ideas concerning this important event, it becomes neceſſary to explain, as briefly as poſſible, the origin, and progreſs, of the family of Stuart; and its actual condition when it aſcended the Scotiſh throne.

The fables of adulation have now paſſed away, and it is acknowledged that we have no certain evidence concerning this family, till the reign of David I, when Walter the ſon of Alan appears as Steward [1] of Scotland: and there is room to believe

[1] *Dapifer*, a term ſynonymous with *Seneſchalcus*, in France as in Scotland: Du Cange voce Seneſchalcus. The derivation of the latter word is not clear;

1371 believe that this genealogical appellation points to the noble and ancient Engliſh family of Fitz Alan. Walter was ſucceeded in his high office by Alan his ſon; who was followed by the ſecond Walter. No action worthy of the hiſtoric page is authentically recorded of theſe three: and the moſt important intelligence, which we can obtain from their charters, is the ſituation of their lands; which were chiefly in that weſtern promontory, waſhed by the fertile and pictureſque river Clyde, and now called the ſhire of Renfrew, then, and ſince, the territory of the family, and power, of the Stewards [a]. A higher fate awaited Alexander, the fourth Steward of Scotland, who united the adjacent iſland of Bute to his patrimony by marrying the heireſs; for in the year 1255, he appears among the great nobles, who oppoſed the exorbitant power of the Comyns; and, three years after, is mentioned as one of the

*ſchalc* is a ſervant; *Mariſchalcus* is the ſervant who had the charge of the horſes; but *Sene* or *Senet* remains unexplained: it may be from *ſean* to ſee, as inſpector; or from *ſegen* a banner, (ſee Lye Dict. Angloſax.) perhaps it is allied to *ſeneſcantia*, convivium, Du C. But the moſt plauſible etymology ſeems to ariſe from *Senn*, a chief herdſman, *Sennten*, a herd, (*Scheuchzer* Iter Alp. I, 49,) as the wealth of early times conſiſted of herds and flocks. The office is evident; it was not only the chief of the houſhold, but its power, from the confidence acquired by that ſtation, extended to the collection and management of the revenue; to the adminiſtration of juſtice; and even to the chief direction in war. During the reigns of the firſt race of France, the Stewards are claſſed after the biſhops and counts: in the time of the ſecond race they follow the *Comites Palatii*: about the year 980 they ſucceeded to the extinguiſhed office of Mayors of the Palace. But the power was in France found too vaſt for a ſubject; and in 1191 the dignity and emoluments began to be reſerved to the crown. The office was gradually ſubdivided into thoſe of Great Maſter of the Houſhold, Conſtable or commander in chief, and High Juſticiary. Du Cange, ib.

[a] Crawford's Hiſtory of the ſhire of Renfrew, and of the Houſe of Stuart, Edin. 1710, folio, Paiſley 1782, 4to. Stewart's Genealogical account of the Stuarts, Edin. 1739, 4to. For the origin of the family conſult alſo the remarks of lord Hailes, Annals I, 358.

regents

regents of Scotland, during the minority of Alexander III; 1371
and, in 1263, he commanded the Scotiſh army at the conteſt
with the Norwegians near Largs[3]. James, the next High Steward, was alſo a regent of Scotland after the unhappy death of Alexander III; ſhared the fame of Wallace in defence of his country, but ſoon abandoned him; then reſumed the character and exertions of a patriot, and had the merit of being excepted in the amneſty of Edward I. His age alone ſeems to have reſtrained him from aſſiſting the early patriotic endeavours of Robert I, for he died in 1309, after a life of ſixty ſix years[4].

But the proſperous fortunes of this houſe moved in a yet higher progreſs, when Walter, the ſixth High Steward, ſtrengthened and adorned his country. One of the heroes who divided the danger, and the glory, at Bannocburn, his youthful courage, and tried fidelity, were, the following year, rewarded with the largeſt gift which a ſubject could receive, in his marriage with the only daughter of his ſovereign. His valour, and his abilities, were confirmed in the public eſteem by the defence of Berwick, and by his government of the kingdom in conjunction with Douglas: and his early death was lamented by a grateful people[5]. Robert, the ſeventh High Steward, was the only

[3] Crawf. 12. Stewart, 50. Dalrymple's Annals 1255, 1258. For the battle of Largs, Fordun II, 98, who ſtyles the leader Alexander Stuart of Dundonald, great grandſon of Walter the firſt Steward, and grandfather of Walter who married Marjory daughter of Robert I. Winton MS. 587, ſays the king commanded in perſon. The Norwegian accounts are ſilent concerning the Scotiſh general. Crawford erroneouſly quotes Fordun, as aſſerting that the Steward was killed in the conflict: by Stewart's account, drawn from Sympſon's Houſe of Stuart, Edin. 1712, 8vo, and Abercromby I, 451, he died in 1283, aged 69.

[4] Crawf. 13—23. Stewart, 51. Dalrymple's Annals 1286, 1297, 1303, &c.

[5] Crawf. 23—25. Stewart, 52—54. Dalrymple, Vol. II, paſſim. He died in 1326. Dalr. II, 116.

iſſue

1371 iſſue of Walter and the princeſs: and to him the crown of Scotland was deſtined to devolve. Diſtinguiſhed in early youth by his conduct at the battle of Halidon, by his deciſive exertions againſt Edward Baliol; by the ſingular praiſe of being appointed, in conjunction with Murray, governor of Scotland, at the age of eighteen, he did not afterwards fruſtrate the general expectation [6]. Twice ſole governor of a fierce and high ſpirited nation, he confirmed the claim of his birth by the tenor of his actions: and he afterwards aſcended the throne, fully experienced in the duties of obedience, and the arts of command.

The actual ſtate of the family, when it became royal, claims our next attention. Rewards for ſucceſſive ſervices of importance, and the dower of the princely bride, had encreaſed the poſſeſſions of the Stuarts to a great number, and extent, in various regions, both in the weſtern and eaſtern parts of Scotland [7]. Had the territories of Douglas been as detached as thoſe of Stuart, that name had never become formidable to the crown: but chance, and not deſign, ſeems to have preſided in this diſtant allotment. The title, and office, of High Steward had ſucceeded, in France, to the ſupremacy of the Mairs of the Palace: and in that, and other, countries were ſoon found too lofty for the ambition of a ſubject: hence it is not matter of ſurprize that no territorial dignity was annexed to this diſtinction, till the year 1359, when the earldom of Strathern devolving into the hands of David II, was by him conferred on Robert, afterwards his ſucceſſor [8]. But, in 1258, Walter, a cadet of the family, had become Earl of Menteith, by

[6] Crawf. 26. Stewart, 55. Dalr. II, 165, 174, 175. The Steward was ſole regent 1338—1341, and 1346—1357. Dalr. II, 202, 221.

[7] Crawf. paſſim.

[8] Crawf. 26. Additional Caſe of the Counteſs of Sutherland by Sir D. Dalrymple, 1770, p. 55.

wedding

wedding the heireſs [9]; and Sir John Stuart of Bonkill, another cadet, was by David II created Earl of Angus; and he and his heirs held the eſtate, while the Umfravilles of England graſped at the title for many generations [1]. Robert, the Steward, had but one brother, Sir John Stuart of Railſtoun, the only iſſue of his father's poſterior marriage with a ſiſter of Graham of Abercorn [2]; and this brother ſleeps in the ſilent ſhades of heraldry: but the family, by the extent of their poſſeſſions and connexions, wanted not power to ſupport their juſt title to the throne. Of all the great Scotiſh families that of Douglas alone ſeems to have been equal, and perhaps ſuperior, in power. The ſucceſſor to the ſceptre was alſo fortified by a numerous progeny, ready to aſſert and to perpetuate his claim. By his firſt wife, Elizabeth daughter of Sir Adam More of Rowallan, he had his ſucceſſor John lord of Kyle, created Earl of Carric by David II; Walter earl of Fife; Robert, by marrying an heireſs of his own family, Earl of Menteith, afterwards Earl of Fife likewiſe, and Duke of Albany; and Alexander of Badenoch Earl of Buchan: beſides ſix daughters, united to the powerful families of March, Lyon of Glamis [3], Hay of Errol, Mac Donald of Ilay and the Iſles, Douglas of Nithſdale, Lindſay of Gleneſk. Nor was his ſecond wife, Euphemia Roſs daughter of the Earl of Roſs, unproductive of additional ſupports to his family, in David afterwards Earl of Strathern; and Walter lord of Buchan, Earl of Athol and Caithneſs, and of Strathern upon his brother's death, but to be in a future period branded as the mur- 1371

[9] Crawf. 11. Stewart, 49. Sutherland Caſe, 14—18.

[1] Crawf. 13. Stewart, 150. Sutherland Caſe, 11.

[2] Crawf. 25. Stewart, 54.

[3] In the ſecond year of this reign the *Thanage* of Glamis was granted to John Lyon; the *Relevium* 10*l.* Scotſtarvet's Calendars, Harl. 4609, f. 109.

derer-

1371 derer of James I: and in four daughters, the elder of whom afterwards wedded James earl of Douglas; while the three others were joined to Keith a ſon of the marſhal, and two knights Logan and Swinton [4]. The attachment of Robert to the fair ſex alſo appeared from his natural iſſue by his concubines, among which ſix ſons are noted by genealogiſts; and the Stuarts of Bute, Cairney, and others, are of their deſcendants [5]. It was certainly fortunate for the acceding family that it poſſeſſed ſuch internal ſtrength at this criſis; but this chance was overbalanced by peculiar diſadvantages.

The King was advanced to his fifty fifth year [6]; and the weakneſs of his reign ſufficiently teſtifies that age began, and continued, to freeze abilities, which had formerly flowed in a clear and copious ſtream. His eldeſt ſon and heir, the Earl of Carric, had been maimed by a horſe [7], and was lame and weak in body, and of no power of intellect. A perſonal deformity, which often arouſes ſuperior ſpirit in an individual, is pernicious to princes, in whom not a defect, but a ſuperiority, of dignity is matter of a general expectation, ſo deeply rooted in our nature, that ſavage nations often appoint their ſovereigns only from ſuperior perſonal appearance. This remark muſt alſo be applied to Robert II himſelf, whoſe eyes, disfigured by imflammation, diſguſted the beholders [8]. Humanity would paſs

[4] Crawf. 28—30. Stewart 56—58.

[5] Crawf. 30, 31. Stewart 58—60. "Bel chevalier etoit, et avoit unze filz," ſays Froiſſart of Robert II. Tome I, f. v. 256, edit. 1518.

[6] He was born on the 2d of March 1316. Dalr. II, 65.

[7] Fordun II, 414. The rebellious ſteed belonged to Sir James Douglas of Dalkeith, "Johannes Comes de Carrik, ex percuſſione equi Domini Jacobi Douglas de Dalkeith, quaſi claudus effectus."

[8] Froiſſart II, f. 177. The MS Bib. Reg. 18 E 1, reads, "Or ſen vint le roy Robert d'Eſcoche, qui eſtoit ung grant bon homme, a tout ungs rouges yeulx rebrachies;

paſs ſuch topics, did not ſo much of human hiſtory depend on the ſlighteſt qualities, or defects of princes. 1371

The perſon of Robert II was however large and majeſtic[9]. The qualities of his mind it is difficult to mark with preciſion. The diſeaſe of his eyes ſeems to have induced a deſire of privacy, and age a propenſity to indolence, and the indolent are always ruled by thoſe around them. War he ſhunned, and declined the laborious office of a general; but the leaders whom he appointed were well choſen and ſucceſsful. In the more difficult and more truly glorious arts of peace, he is intitled to conſiderable praiſe. The terrors of juſtice he knew how to deal impartially to the guilty, while he opened every gate of protection to the innocent. His actions proceeded in a ſolid and rational tenor; and his promiſe was the exact ſtandard of his performance. Internal diſcords his equity appeaſed; and though his own age, and the infirmity of the apparent heir, rendered his reign feeble, yet his wiſdom prevented it from being unfortunate. In a word he is little known to hiſtory, becauſe he was a good king, and a good man.

Upon the death of David II the ſtates of the kingdom aſ- Feb.
ſembled at Lithgow; and their determination appeared unanimous in the appointment of Robert as ſucceſſor to the vacant throne[1]. But a ſudden cloud aroſe, which threatened all the ſtorms of civil war. William Earl of Douglas unexpectedly claimed the crown, as uniting in himſelf the dubious pretenſions of Comyn, and the ſolid title of Baliol. Yet the claim was no ſooner made than withdrawn. Our elder hiſtorians aſſert that the ſtrong intereſts of the Earls of Dunbar and

rebrachies, ils ſembloient de cindal." They were red like ſandal-wood; hence his vulgar epithet of blear eye, or watery eyes. Dalr. II, 279; but *ungs* is not *one*, ſee the Gloſſ. du Roman de la Roſe.

[9] Fordun, II, 383. [1] Fordun, II, 382.

1371 Murray, and the yet ſtronger of Sir Robert Erſkine, keeper of the caſtles of Dunbarton, Edinburgh, and Stirling, appearing decided for the Steward, induced Douglas to reſign his expectation; while the hiſtorian of the houſe of Douglas aſcribes the deſertion of the claim to its own friends[2]. Pretenſions, which now ſtrike as vague or uſurpative, might not wear that appearance in an age when the rights of ſucceſſion were fluctuating and undetermined. But prudence certainly did not conſpire with ambition upon this occaſion, for no previous concert appears, no conciliation of intereſt; and the claim can only be recommended as a ſubject of ſpeculation. Had Robert I united his houſe to that of Douglas, the proſperity of Scotland might perhaps have been more ample under a family that, though ſubject, ſhewed a regal ſpirit; that in war boaſts a genealogy of heroes; and that happened to have few of thoſe minorities, which harraſſed the kingdom under the Stuarts: but in the more uſeful honours of peace the latter family ſeem to have been far ſuperior, and by their merit alone better deſerved the ſceptre.

Robert, attended by the ſtates, proceeded to Scone, where he
March was crowned with the uſual ceremonies[3]: and, to ſettle the ſucceſſion, a ſolemn act was paſſed by the king and ſtates, declaring John Earl of Carric, and Steward of Scotland, un-

[2] Fordun, II, 382. Winton MS. 818. Hume's houſe of Douglas, I, 160—163.

[3] Fordun, II, 383, ſays on the 25th March; but the MS. Records 4to, in the State Paper Office, fix the 26th March, and add that Landel biſhop of St. Andrews officiated. Next day the king, ſitting "ſuper montem de Scone," on the moot-hill of Scone, according to cuſtom received the homage of the biſhops and peers; among the latter are only enumerated John earl of Carric Steward of Scotland, William earl of Douglas, the earls of Strathern, Mar, and Menteith. All paid homage, and took oath of fidelity, except the biſhop of Dunblane, and Archibald Douglas, who only took the oath. Ibid. fol. 58.

doubted

doubted and apparent heir of the kingdom [4]. To conciliate 1371
Douglas, his eldeſt ſon was honoured with the hand of Eu- 27 Mar.
phemia, the King's daughter: and to procure time and opportunity to win the public confidence, before engaging in difficult and important affairs, it was reſolved religiouſly to obſerve the truce concluded with England, two years before, for the term of fourteen years, and the ſtated payments due for the ranſom of the preceding monarch [5]. At the ſame time, in order to convince France that a change of politics had happened upon the acceſſion of the new family, the treaty with that country was renewed; and it was ſpecially ſtipulated that, in caſe of a competition for the Scotiſh crown, the King of France ſhould June
withſtand any Engliſh influence, and ſhould ſupport the determination of the ſtates of Scotland [6].

Another

[4] Extract of this act, Aberc. II, 165. The act itſelf, Hay's Vind. of El. More, p. 115. On the 3d of the enſuing May, in a privy council held at Edinburgh, (preſent biſhop of St. Andrews, earls Douglas and Carric, Byggar the chancellor, Sir Robert Erſkine chamberlain, James Douglas, Hugh de Eglinton, John Lyon keeper of the privy ſeal,) orders were iſſued concerning the royal houſehold, domains, and caſtles, "per modum qui in alio Regiſtro, facto ſuper ordinationibus et factis talibus non perpetuis, continetur." 4to Regiſter, fol. v. 58. The preſervation of this invaluable volume leads us deeply to regret the loſs of the others.

[5] See ſeveral commiſſions, and acquittances, of 1371 and 1372, in the 4to Regiſter, fol. 32—35.

[6] Fordun, II, 392—395: this chapter is tranſpoſed, but Bowar, the arranger of Fordun's materials, is a bad chronologer, a charge incident to all our hiſtorians including Buchanan.

Fordun gives a tranſlation of the treaty in latin. A copy of the French original may be ſeen in the 4to Regiſter, fol. 66—68. Robert's commiſſion is dated at Scone, 31 March 1371, regni 1. The alliance was concluded at Vincennes 30 June 1371; and was ratified by Robert at Edinburgh 28 Oct. It is remarkable that this treaty bears to be formed with the "Rois et roiaume d'Eſcoce, et communauté d'Eſcoce."

1371 Another clauſe in the ſame treaty had effects apparently not foreſeen, and certainly not wiſhed nor intended. It was agreed reciprocally that the ſubjects of the allied powers ſhould not ſerve in the Engliſh armies; and different Scotiſh men, who had, toward the end of the preceding reign, entered into them, in conſequence withdrew. This circumſtance was conſidered as an indication of war; and, joined with the jealouſy naturally ariſing from the renewal and amplification of the treaty between Scotland and France, induced the Engliſh monarch to uſe caution and vigilance; and he iſſued a mandate to the
1372 Feb. biſhop of Durham, ordering that all capable of arms, in the north of England ſhould hold themſelves in readineſs to oppoſe any Scotiſh invaſion[7].

But to ſuch a weakneſs had the illuſtrious reign of Edward III fallen, and ſo diſordered was the machine of his government, that from this period to his death, five years after, it is impoſſible to pronounce from his diſpoſition that there was peace, or from

In the ſame Regiſter, fol. 68, are preſerved the ſecret articles, dated 30 June. Charles V engages to perſuade the pope to declare the truce between England and Scotland void and null; to pay 100,000 nobles towards diſcharging the ranſom of David, or a larger ſum if neceſſary to defray it totally; and the 100,000 nobles, even if not due, towards the expence of a war with England. Before Scotland ſhall commence hoſtilities, France is to ſupply armour for 500 Scotiſh knights and ſquires, and for 500 *fargents*, and is to pay the wages of this thouſand for two years; the knight to have 3 ſols, the ſquire 18 deniers, the *archier* 9 deniers d'eſterlings a day, all paid by the year in advance. France is alſo to ſend at her expence 1000 men at arms to Scotland, and to continue the ſubſidy as the war may demand: the payment to commence at Bruges, half a year after the rupture of the alliance with England. But Robert, naturally addicted to peace, and who ſaw the impolicy of commencing hoſtilities at the acceſſion of his family to the throne, appears never to have accepted or ratified theſe private articles.

[7] Rymer VI, 713. The affair of Roxburgh, which happened in 1377, is erroneouſly dated this year by our unchronological writers.

his

his exertion that there was war, between the two kingdoms. 1372
The Scotiſh king endeavoured to cultivate peace by attentive payment of the ranſom, though the Engliſh ſovereign continued to deny his title, and only condeſcended to uſe that of "moſt noble and potent prince our dear Couſin of Scotland;" and when diſpoſed to war, "our adverſary of Scotland[8]." But in this reſpect a ſimilar conduct to the French monarch afforded precedent, and conſolation.

In a memorable parliament, held at Scone, committees 2 Mar.
were, in imitation of the parliament aſſembled by David II in his fortieth year, appointed for the general adminiſtration of juſtice; and lords of the articles were choſen. The chief ſtatutes are, that no aſſeſſors be permitted to ſit in the royal council, that no horſes be ſold into England, though cattle and ſheep may; money exported is to pay forty pence in the pound. No ſherif, *ſerjand*, or *mair*, is to require preſents, or remiſſion of debt. No mandate againſt the common courſe of law is to be obeyed, under whatever ſeal it may be iſſued. And a long, and ſevere, ordinance is enacted againſt murderers, and their abettors[9].

[8] Rymer VI, 724. VII, 673, &c.

[9] 4to Regiſter, fol. v. 58, f. v. 60: the firſt reference bears the firſt year of Robert's reign, the laſt, the ſecond; the parliament continuing to ſit after the 26th March, the date of his acceſſion. See alſo Skene's edition of the ſtatutes of Robert II; but he erroneouſly dates them the 2d of May 1372, inſtead of the 2d of March. The earl of Carric, as Steward, or as High Juſticiary, was ſworn to enforce the ſtatutes; and the earls, barons, and burgeſſes to obſerve them. Skene, ib. the Regiſter is defective, two pages being left blank. But it preſents curious preliminary notices concerning the committees of juſtice, and the lords of the articles, confeſſedly appointed in imitation of the parliament 1370. Some of the burgeſſes ſummoned were abſent, "from contumacy," or rather neglect; a common grievance, which induced James I to order them to chuſe delegates.

The

1373 Apr. The attention of Robert was again directed to the ſucceſſion in a parliament held at Scone. It was provided that, failing John Earl of Carric and his heirs, Robert Earl of Fife and Menteith, Alexander Lord of Badenoch, David Earl of Strathern, and Walter afterwards Earl of Athol, ſhould, in this order of birth, and their heirs, wear the diadem in caſe of the failure of immediate heirſhip in any predeceſſor [1]. This act was prudent in one point of view, as calculated to ſtrengthen the ſucceſſion, and guard againſt civil war; but, in another, as the apparent heir was infirm, and had no children at the time, it perhaps lent a ſanction and ſupport to the ambition of the ſecond ſon, which had ſuch violent effects in the following reign.

A few ſucceeding years muſt have been peaceful and happy, for they ſupply no materials to hiſtory [2].

1377 But a greater order of affairs opens upon us, when Richard II ſucceeds to the Engliſh throne. Two wars, pregnant with various and important events, diſtinguiſh the latter part of the reign of Robert II; and it is the not unuſeful province of hiſtory to delineate hoſtilities in particular, as calling forth the greateſt exertions of character and talents, and as laſting

[1] Regiſter fol. 63, 1373 regni 3: the act ſtyles them ſons of the king, "ex ſua prima et ſecunda uxore:" and, forgetting the ſole claim of the houſe of Stuart, it ſtigmatizes female ſucceſſion as dangerous. In the ſame Regiſter, fol. v. 63, appears a deed by the earl of Douglas, 26 April 1373, narrating that the king had granted him a free-port at North Berwick, but the gift being found injurious to others, he abandons it.

[2] In the 4to Regiſter, f. 4, is a notarial copy of an inſtrument, Paris 31 Jan. 1374, purporting that as Margaret Logy, calling herſelf queen of Scotland, had commenced a proceſs at Rome, the French king, on warm remonſtrances from Robert, engages to deſire the pope to recall the ſentences pronounced. See Dalr. Ann. II, 264, whence it appears that the legality of her divorce from David II was the queſtion.

beacons

beacons to warn mankind againſt the danger of war their greateſt enemy. 1377

An officer of the Earl of March was ſlain by the Engliſh at Roxburgh, then in their poſſeſſion; and the Earl, after a vain demand of ſatisfaction, attacked, ravaged, and burned the town, during a fair, and glutted his followers with ſlaughter, revenge, and ſpoil. The Engliſh borderers retaliated on the lands of Sir John Gordon, who entering England was encountered by Lilburn, whom after a deſperate affray he defeated at Carham [3]. Theſe border tumults were at length rendered reſpectable by the interference of the Earl of Northumberland. Arming ten thouſand men he proceeded to ravage the lands of March for three days, and returned with conſiderable booty [4]. Excited by this ſucceſs the Northumbrians, under ſome inferior leader, invaded the weſt marches of Scotland; but met with a different reception, few of them eſcaping to tell the fate of the reſt [5]. And, if we credit an Engliſh hiſtorian, the government of his country, alarmed at this misfortune, ſent Edmund Mortimer Earl of March to treat with the Scots, on the uſual day for ſettling the diſputes of the marches; and the truce was renewed with reluctance, and for a ſhort time [6]. Commiſſions for compromiſing theſe diſorders were however iſſued by Richard II, on the twenty ſeventh day of September this year, and on the firſt of January following [7].

The revenge of an individual contributed ſtill further to deſtroy any remaining harmony between the two nations.

[3] Winton MS. 819, 820. Fordun, II, 383. Walſingham hiſt. p. 197, and Ypodigma Neuſtriæ, 136, fixes the date, careleſsly omitted by the Scotiſh compiler, whoſe chronology is confuſion itſelf.

[4] Walſ. ib. Otterbourn, 148. Fordun, 385, ſays the Engliſh cavalry were diſperſed in the night by youths armed with rattles, and a rout enſued.

[5] Walſ. 214. [6] Walſ. 214. [7] Rymer VII, 174, 183.

Mercer

1378 Mercer a Scotiſhman, commanding a ſmall fleet of Scotiſh French and Spaniſh veſſels, ſuddenly diſplayed his motley ſquadron before Scarborough, and captured ſome valuable Engliſh ſhips of merchandize, becauſe that his father, a wealthy merchant reſiding in France, had been taken at ſea by ſome Northumbrians, and impriſoned at that place. The father was a man of importance at the French court, eſteemed by Charles the Wiſe, and his advice followed in many points detrimental to the Engliſh, and advantageous to the French, commerce. Walſingham expreſſes unaffected concern that the Earl of Northumberland had executed juſtice in ſoon delivering him without ranſom; for, adds he, if he had been ranſomed by the common rules he might have enriched the king, and kingdom, with ineſtimable wealth [8]. But though the elder Mercer had been delivered, it would appear that his ſhips and cargo were not; and that retaliation conſpired with revenge to excite his ſon to this enterprize. The young man, boaſting of the exploit, continued to keep the ſea, as defying the maritim power of England; till John Philpot, a wealthy and ingenious merchant of London, ſtung with the diſgrace offered to the commerce of his country, fitted out ſhips of force provided with one thouſand men, raiſed at his own expence, who aſſaulted and took Mercer, his newly acquired prey, and fifteen Spaniſh ſhips which aſſiſted him [9]. The Duke of Lancaſter,

[8] "Nam ſi redemptus fuiſſet captivorum more, regem et regnum ineſtimabili pecunia divites effeciſſet." p. 212.

It was apparently on this occaſion that a letter was written to the Engliſh king, by the earl of Douglas and Mar. It terms John Mercer, "mon homme;" and ſays he was detained though caſt on ſhore, contrary to the great truce: "Mr. Thomas Mercer, mon clerk," is alſo mentioned as captured. See it in that treaſure of original pieces, Veſp. F. VII, f. 34.

[9] Walſ. 213.

who

who ſwayed the councils of the young Engliſh monarch, rather checked than applauded the ſpirit of Philpot; and commiſſioners were appointed to treat with thoſe of Scotland concerning peace [r]. 1378 22 Oct.

It is difficult to diſcover the real pretext, or occaſion, of the capture of the caſtle of Berwick by the Scots this year; and the events of this period are not a little embroiled by various and diſcordant accounts. According to the old Engliſh and Scotiſh writers, this breach of the truce aroſe from the raſhneſs of a few borderers [s]; but, if we believe Froiſſart, it was the conſequence of a war, commenced by the determination of the Scotiſh government. This laſt account we are diſpoſed to follow; and to infer, from the narrative of it's author, that the counſels of France, which aimed to divert the attention of Richard II from the ambitious views of his grandfather, had a ſhare in ſtimulating the Scots, already ſtung with repeated inſults, to regard the dubious truce in the ſame light with the Engliſh, and to break it when it ſuited their convenience [t]. The French hiſtorian informs us, that, by direction of Robert II, and his council, a ſmall army was ordered to meet on the borders under the command of Douglas, Murray and Mar. While this hoſt was gradually aſſembling, an eſquire, named Alexander Ramſay, proceeded with forty companions to Berwick. Sending a ſpy to diſcover the ſtate of the caſtle, it was found that there was no water in the ditches, and no guard on the walls. Ramſay and his followers immediately planted ladders, ſcaled the walls, and came to the keep, where the Nov.

[r] Rymer VII, 206.

[s] Walſ. 222, 223. Ypod. 136. Otterbourn, 148. Fordun, II, 391.

[t] Mezeray, Abr. III, 98, relates that the Scots now broke the truce with England, inſtigated by advantages which he mentions, and which correſpond with the ſecret articles of 1371.

1378 commander was in bed, it being apparently early in the day, and he was killed in attempting to eſcape. An alarm being given the governor of the town ordered the ſtop and pillars of the drawbridge to be deſtroyed; and upon the aſſailants finding that they could not paſs, the governor and his people ſhouted "Are you there? Remain where you are. You ſhall not eſcape without our permiſſion." Ramſay reſolved to wait for ſuccour from the army, for Douglas had already marched from Dalkeith to Dunbar [4].

Meanwhile the Earl of Northumberland ſummoned his array to Berwick; and with ten thouſand men beſieged the caſtle, and began a mine. The Scotiſh barons reſolved to raiſe the ſiege: and Archibald Douglas, a relation of Ramſay, advanced with a choſen party; but found the Engliſh too numerous, and was forced to retire; upon which the caſtle was taken by aſſault, and all the Scots ſlain, except Ramſay who yielded to Lord Percy [5].

The Earl of Nottingham joined Northumberland, and they reſolved to fight the Scotiſh army if it advanced againſt them, or, if not, to ravage the ſouthern parts of Scotland. A party of three hundred lances and as many archers was detached, under Muſgrave the governor of Berwick, to Melroſe, while the reſt of the Engliſh army advanced to a hamlet near Roxburgh where the Scots lay. Muſgrave ſent two ſquires to explore the enemy, who were taken, and diſcovered the Engliſh ſituation and deſigns; upon which the Scots reſolved to ſurprize Muſgrave, and marching immediately arrived near Melroſe at midnight; but a tempeſt of wind and rain blowing in their faces, they could hardly withſtand it's force, and wan-

[4] Froiſſart, Tome II, fol. v. 6, edit. 1518, 4to.

[5] Ibid. f. v. 8. The whole account is compared with the MS. in Bibl. Reg. 18 E 1.

dered

dered from their way. Halting under a wood, and making 1378
fires, they remained till dawn, when the tempeſt abated; and, as they were forced to forage, they had ſome ſkirmiſhes with Muſgrave's men who were alike employed; and he determined to advance to the right, in order to join the Engliſh army, but the Scots amounting to ſeven hundred lances, and two thouſand uncouthly armed, lay in the wood, and intercepted his progreſs. A conflict being unavoidable Douglas, according to the cuſtom of the times, knighted James his ſon, and Robert and David, two ſons of the king: the battle was quickly decided; Archibald Douglas, lighting on foot, and wielding a ſword of enormous length which another man could hardly have held, made great ſlaughter: Muſgrave, his ſon, and many knights, and ſquires were taken. The Scotiſh army retired towards Edinburgh with their captives, while Northumberland and Nottingham could not purſue them, becauſe of the tempeſtuous ſeaſon of the year, and were forced to return, and diſmiſs their men, while the Scots were rejoicing and ranſoming their captives at large ſums [6]. Such is in abſtract the account of Froiſſart, whoſe native ſimplicity, and particularity of detail, lead, whenever he is followed, into ſome length of narration; but it is hoped, not unpleaſing, as it paints the ſpirit and manners of the times. The Scotiſh chronicles impute the defeat and capture of Muſgrave to Sir John Gordon; and inform us, that Johnſton, and others, diſtinguiſhed themſelves in ſkirmiſhes with the Engliſh upon the weſtern marches [7].

Though a peſtilence now raged in England, the Scotiſh 1379
borderers continued their inroads, with the uſual barbarity of marauders accuſtomed to rapine and cruelty [8]. The embarraſſing

[6] Froiſſart, ib. [7] Fordun, II, 385. Winton, 822.

[8] Walſ. 234. This hiſtorian, warmly prejudiced againſt the Scots, ſtyles them, "humani generis inimici," and depicts their cruelty in glaring colours.

1379 raſſing affairs of the Duke of Bretagne the Engliſh ally, and an indeciſion which ſeems to have prevailed in the councils of Richard II at this period, conſpired with the peſtilence to prevent any exertion to retaliate; as the latter calamity was a ſufficient barrier againſt any important expedition of the Scots.

1380 But in the next year a Scotiſh veſſel, worth ſeven thouſand marks, being taken by Engliſh ſhips from Hull and Newcaſtle, the Scots, enraged at the loſs, entered England under the Earl of Douglas; and piercing Cumberland and Weſtmoreland, drove from the foreſt of Inglewood forty thouſand domeſtic animals of different kinds, which a party conducted to Scotland [9]. Douglas with twenty thouſand men ſurrounded the town of Penrith by night, during a fair; ravaged, and burned it, and loaded his army with ſpoil. Returning by Carliſle they intended to attack that city, but learning that the northern counties of England were armed, and advancing, the Scots determined to ſecure their prey, with which they were too much incumbered to fight with advantage, and continued their march to their own country [1]. The peſtilence had not quite abated, and it's importation revenged the enemy for their loſs; this being the third great attack of this calamity in Scotland, and in which not leſs than one third part of it's people is ſaid to have periſhed [2].

He ſays that they even played at foot-ball with the heads of the ſlaughtered Engliſh, and left the north of England a deſert; (ſee alſo the Ypod. 137.) They carried off even ſwine, an animal formerly always left by them: nor, it may be added, are the common people of Scotland yet reconciled to it's uſe. To preſerve themſelves from the plague, which the Engliſh ſaid God in his grace had ſent for their repentance, the Scots uſed this prayer in their own idiom, "*Gode and Saint Mungo, Saint Romayn and Saint Andrew, ſchield us this day fro Goddis grace, and the foule death that Engliſhmen dien upon.*" Ib.

[9] Walſ. 249. Otterb. 152. [1] Ibid. Fordun, II, 391. Winton, 823.

[2] Fordun, ib. Winton, 825.

The

The Earl of Northumberland meditated an active revenge, 1380
till he was prevented by an unexpected order from the king to defer the matter to the determination of the next ſolemn day for the affairs of the marches [3]. But fifteen hundred Engliſh, chiefly of Cumberland, advanced into Scotland with fire and ſword, till falling into an ambuſcade of five hundred foes, on diſadvantageous ground, many were ſlain, or drowned in the Solway in their flight, and ſome were made captives [4].

Happy it is for the two kingdoms, intended by their ſituation for perpetual union, that thoſe unceaſing inroads, deſtructive of cultivation and of trade, and which enriched the idle and the bad at the expence of the good and induſtrious, now only harraſs the march of the hiſtorian; who loſt, as in the moving ſands of a deſert, ſighs for the pleaſing landſcape of peace, or the grandeur of ſome important ſcene.

The Duke of Lancaſter, who managed the councils of his ſovereign, had aſſumed the title of King of Caſtile; and determined to proſecute his pretenſions to that kingdom, ariſing from his marriage with the daughter of Peter the cruel, by aſſiſting the Portugueze againſt the reigning prince [5]. It was important to his purpoſe that a truce ſhould be eſtabliſhed with Scotland, either by the terrors of a deciſive war, or by the conciliating reſpect of an honourable embaſſy: and he reſolved to be himſelf the bearer of both. With a royal commiſſion to adjuſt the terms of peace, and with a formidable army, he advanced to the borders of Scotland. This armed negociation was ſucceſsful; for, in anſwer to his invitation, the biſhops of Dunkeld and Glaſgow, the Earls of Douglas and March, and

[3] Walſ. 249.

[4] Winton, 824. Fordun, from ſome erroneous MS. eſtimates the Engliſh at 15,000.

[5] Rapin, Acta Regia, ſub anno.

Archibald

1380 Archibald Douglas lord of Galloway, appeared as commiſſioners from Scotland; and a truce was concluded at Berwick to laſt
Nov. for one year [6]. The Engliſh, not apprized of Lancaſter's original intentions, murmured to ſee their northern counties conſumed by his numerous army: and the expence of the negotiation, which ended in delaying the ranſom of David II, and in other conceſſions, encreaſed their diſcontent [7].

1381 According to an agreement made in concluding the truce,
June Lancaſter again proceeded to Scotland in the following ſummer, but only with his uſual train; and he was inſtigated to uſe his beſt endeavours for a treaty by a promiſe of the Engliſh council that, if he could confirm a truce for three years, they ſhould aſſert his pretenſions to Caſtile, and furniſh him with a competent force to join with that of Portugal [8]. Meeting the Earl of Carric, heir of the kingdom, and other Scotiſh commiſſioners, at Alcheſter near Aytown, an important conference enſued. The Scots complained that, during the truce of fourteen years, many infractions had been made by the Engliſh upon their freedom of intercourſe and commerce with England, eſtabliſhed by that truce; and the fact being denied, they offered to ſubmit the evidence to an equal number of noblemen of both nations: but the Engliſh waved the affair, by offering the vague expedient of calling in the mediation of ſome neighbouring ſovereign. Lancaſter however conſented that the payment of any further part of the ranſom ſhould be deferred till Candlemas 1383, to which period the treaty was extended; and agreed again to meet the Earl of Carric in July that year [9]. The inſurrection of Wat Tyler prevented the Duke's immediate return to England, he being apprehenſive of the fury of

[6] Rymer, VII, 268, 276.
[7] Walſ. 254. The expence was 11,000 marks.
[8] Froiſſart, II, fol. 79. [9] Rymer, VII, 312.

the

the rebels, from his attachment to Wickliff, and other unpopular actions. He proceeded to the caſtle of Edinburgh, which, as a mark of honour, was given up to him and his attendants; and he reſided there till the ſubjection of the rebels rendered his return to England ſecure [1]. 1381

A truce of one year concluded between England and France contributed ſtill further to give a reſpite to the horrors of war: and as treaties were, in that age, underſtood only to bind the ſovereigns who contracted, and not their heirs, the Scotiſh king ſent an embaſſy to the ſucceeding French monarch Charles VI, who engaged when war ſhould recommence between England and Scotland, to ſend to the latter kingdom one thouſand men at arms; a formidable force at that period, in which a few knights in panoply were wont to defeat armies of rude infantry. He alſo promiſed a thouſand ſets of armour for as many Scotiſh gentlemen; and a ſum of money to conciliate the court and nobles to enterprizes certainly foreign to the real intereſts of their country [2]. The ignominious barter of the blood, and proſperity, of the nation for French gold cannot be palliated, but by the confeſſion that it was neceſſary to maintain an active alliance with France; and that the ſums drawn from that country were reputed a compenſation to Scotland for being commonly engaged in war ſolely by her ally. To ſuppoſe that any treaty exiſted, preceding the unhappy and imprudent reign of John Baliol, is to ſuppoſe that France was capable of the utmoſt treachery and impolicy, when ſhe permitted the ruin of Scotland by Edward I; and that the Scots were ſo 1383

[1] Fordun, II, 396. Winton, 826.

[2] Regiſter fol. 69. Du Tillet, Recueil f. v. 116. Charles VI had ſucceeded his father on the 16th Sept. 1380. The treaty was ſigned at Paris on the 8th April, and ratified by Robert on the 20th Auguſt, 1383. Regiſter fol. 69, 70.

improvident

1383 improvident as to ſubmit the determination of their crown to an inimical ſovereign, inſtead of their ancient ally [3]. And even after the active alliance appears, during the reign of David II, an alliance to be written with the tears, and ſigned with the blood, of Scotland, ſcarcely can hiſtory mention one war, into which France did not conduct that country. But had Scotland been bleſſed with a more free and democratic government, her peace, her induſtry, her learning, her happineſs, had not been ſacrificed to a corrupt ariſtocracy; for as to the Monarch, ſuppoſing that he wiſhed for peace, and had the public intereſt at heart, how could he at once reject the deſire of a neceſſary ally, and the wiſhes of an uncontrouled nobility?

July The Duke of Lancaſter and the Earl of Carric again met; and the latter agreed to a compenſation for ſome damage done by the Scotiſh borderers this year to the caſtle of Wark, and other places in England: but a definitive treaty being again mentioned, Carric declared that he had no powers for that purpoſe; and the conference diſſolved without any further renewal of the pacification [4].

1384 The truce being thus permitted to expire, a war of real importance, and of a ſingular and intereſting complexion, took Oct. to July place. France had made a brief truce with England, after the part both had taken in the Flemiſh commotions, to laſt till midſummer this year: but, by ſome neglect, Scotland had not been included, and this circumſtance was eſteemed ſufficient to juſtify an invaſion of that country. The Duke of Lancaſter, Eaſter and the Earls of Northumberland and Nottingham, with a 28 Mar. conſiderable army, entered Scotland by Berwick, and ravaged the country up to the walls of Edinburgh, then, as now, the

[3] "That old league, counted amongſt the fables of the ancient Palladines." Drum. Hiſt. p. 22.

[4] Rymer, VII, 403. Compare Walſ. 330. Ypod. 141.

capital

capital city[5]: from an amiable regard for a place, which had 1384
been his aſylum on a recent occaſion, Lancaſter would not
permit the deſtruction of Edinburgh, but withdrew his army; and, with an inadequate prey, regained England, before the Scots, who were unprepared, could intercept his retreat[6]. A few villages were burned in this expedition; but the Scotiſh houſes were then ſlight huts of wood, and eaſily refitted: and they found time to remove their cattle, and effects, into the foreſts, and even to carry off the ſtraw roofs of the houſes in the capital, as ſome ſecurity againſt a conflagration[7]. We learn from Froiſſart that Robert ſummoned an army, but that the French envoys mean time arrived to notify the truce: although about thirty French knights and eſquires, finding no further employ in Flanders, now came to Scotland as a theatre of arms[8]. The King wiſhed for peace; but the barons oppoſed his intentions, and meeting in the church of St. Giles at Edinburgh reſolved on war, and informed the French knights that

[5] Froiſſart, II, fol. 159. He informs us, f. 170, that Edinburgh was not ſo large as Tournay, or Valenciennes; but contained only about four thouſand houſes.

[6] Fordun, II, 398. Winton, 829, ſays Edinburgh was ranſomed. Both recite a defeat of a party of the Engliſh, who had landed from their veſſels near Queensferry: and the continuator of Fordun piouſly aſcribes it to the interference of St. Columba, whoſe monaſtery in an iſland of the Forth they had attempted to conſume with fire.

[7] Walſ. 334, a curious and minute account; but the hiſtorian is prejudiced againſt the generous Lancaſter, the patron of the Wicklifites. He accuſes the waſte of time in the north of England, and the liberality of his enmity: and adds that, on Eaſter eve, the Engliſh encamping in a marſh, to avoid ſurprize, they loſt fifty horſes by the cold and ſnow; and the Duke would not permit any forage, which would indeed have been fruitleſs, as the Scots had withdrawn their effects to their *foreſts* beyond the Forth, leaving famine to combat the Engliſh, unaccuſtomed to this new enemy.

[8] Froiſſ. II, f. 159.

1384 their ſpirit ſhould be immediately called into action. Without the avowal of the King an expedition was ſet on foot, and 1500 of ſuch cavalry as Scotland then had were aſſembled on the borders; who ravaged the lands belonging to Northumberland, Nottingham, and Mowbray, and returned loaded with ſpoil, before the Engliſh had time to collect any force [9]. The Earl of Northumberland ravaged the ſouth of Scotland again; and as ſoon as he diſmiſſed his army the Scots retaliated; ſo that the ſummer paſſed in mutual inroads [1].

The French knights taking leave, the Scotiſh barons deſired them to ſend their friends, to enter this new career of glory, by carrying the war into England; and it is ſaid that Jehan de Vienne, Admiral of France, and other potent perſons of that country, were inſtigated by their diſcourſes upon their return, as much as by the recent treaty, to fulfill its conditions next year [2]. A reſolution pregnant with ſuch ruin to Scotland, as even to threaten the ſubjugation of the kingdom.

At this time the papal influence, which had increaſed in Scotland by a bull of Gregory XI againſt intromiſſions with the effects of deceaſed biſhops [3], was honoured with an additional ſupport in Wardlaw biſhop of Glaſgow, who was raiſed to the rank of Cardinal, and appointed Legate a Latere for Scotland and Ireland with ample powers [4]. The commons, who alone conſtitute a people or nation, ſeem only to have been regarded as patient objects of increaſed exactions both by the nobility and clergy. Few other events of importance happened this year. William Earl of Douglas brought Tividale into a ſtate of fidelity, which had been ſubject to the Engliſh ſince the battle of Durham: he ſoon after died, and was ſuc-

[9] Froiſſ. II, f. 160.
[1] Walſ. 336.
[2] Froiſſ. II, f. 162.
[3] Fordun, II, 389.
[4] Ibid. 400.

ceeded

ceeded by James his ſon, a genuine heir to the the valour of 1384
his family [5]. Near Martinmas the Scots gained the caſtle of
Berwick, by bribing the deputy governor; and Lancaſter induced the Engliſh parliament to condemn Northumberland, the warden of the marches, as guilty of criminal neglect, or greater baſeneſs upon this occaſion. But the earl reinſtated himſelf in favour, by giving a ſum to the Scots, for which they conſented to reſtore the fortreſs [6].

A ſingular fluctuation, between war and peace, now pervaded 1385
the diſtracted counſels of England and France, alike governed by weak monarchs. In the preceding ſummer the duke of Lancaſter for England, the dukes of Berry and Burgundy for France, cardinal Wardlaw and the biſhop of Dunkeld, chancellor, for Scotland, had met at Leilinghen, between Calais and Boulogne, and concluded a ſolemn truce; which was afterwards ratified by Robert [7]. Yet this prevented not a renewal 3 Jan.
of the war in the courſe of a few months.

Archibald Douglas lord of Galloway, finding that his people were infeſted by the Engliſh garriſon at Lochmaban, beſieged that caſtle, which he took and levelled with the ground [8]: but 4 Feb.
a truce and agreement were nevertheleſs made between him

[5] Fordun ib. Winton, 831. [6] Walſ. 337. Ypod. 141.

[7] See this famous treaty, Veſp. F. VII, f. v. 31, with Robert's ratification. His commiſſion to his ambaſſadors is dated 6 June 1384, r. 14. This truce is often referred to in that MS. and in a commiſſion of Richard II in 1390 is eſpecially mentioned to have taken place in his 8th year or 1384. That of 1389 was only regarded as a renewal.

Rymer, VII, 438, gives this truce at *Boulogne-ſur-mer* 14 Sept. 1384: but it was afterwards prolonged at Leilinghen, (ſee 1389) and the firſt is ſometimes ſtyled by the latter appellation, Leilinghen being the place of meeting though not of ſignature. This formal and ſolemn treaty only extended to May 1385!

[8] Fordun, II, 397. Winton, 827.

1385 and the Earl of Northumberland, and confirmed by the Engliſh
15 Mar. King[9]. To preſerve Roxburgh from a ſimilar fate the baron of Grayſtock was ſent as governor with a powerful ſupply: he was intercepted by the Earl of March at Benrig, the convoy ſeized, many of his people ſlain, and he himſelf led captive to the caſtle of Dunbar[1].

April The national council met at Edinburgh, but its ordinances were chiefly of a military or a private nature. Charge was given that the noblemen, to whoſe government certain diſtricts had been committed during the war, ſhould prepare their forces, and order them not to pillage in advancing to the borders: and that John Earl of Carric who, in the council of laſt November, had taken upon himſelf the adminiſtration of ſome points of juſtice, ſhould proceed to the highlands, and call the chiefs into his preſence to reform the outrages loudly complained of in thoſe regions. The inhabitants of Tividale, now reſtored to the Scotiſh allegiance by Douglas, were ordered to produce their titles[2]. This parliament was afterwards prorogued to

[9] Rymer, VII, 468. The meeting was near Salom, on the Eſk, a ſpot often noted for ſuch tranſactions; and apparently the ſame with Froiſſart's *Zedan*. How the frontier of Scotland, which formerly extended to the Eſk, came to be reſtricted to the Sark, cannot be explained.

[1] Fordun, II, 397. Winton, 828.

[2] Regiſter, fol. 72, 73. The highland plunderers are termed *Ketherani* or Kerns. William de Fenton complained that the baron of Dirlton had taken his houſe, and twice expelled him when reſtored by law: the royal force and aid are ordered to reeſtabliſh him. A ſad proof of the barbariſm of the country, where the laws had no force ſo near the capital. David Earl of Strathern accuſes his brother Buchan for retaining the barony of Urquhart, which had only been let to him by Strathern: to avoid ſcandal an agreement was recommended. Carric was deſired to diſpatch letters of royal authority to Buchan, to diſcover Finlay Lawſon, and the two ſons of Harald Foulſon, who had ſlain ſome men of Moray, and to bring them and their accomplices to juſtice.

the

the twelfth of June, when it iſſued ſome regulations concerning the coin [3]. 1385

But an event of which there had been no example in Scotiſh hiſtory, and which fortunately was not repeated till the ſixteenth century, is to arreſt attention by its novelty, and importance.

The government of France determined if poſſible to deliver that country from the repeated invaſions of the Engliſh, by carrying the war into England from its northern limits, in conjunction with the Scots, and in compliance with the terms of the late treaty. Jehan de Vienne, Admiral of France, a leader of the firſt talents and diſtinction, accordingly ſailed from Sluys in Flanders with a thouſand men at arms, knights and eſquires, twelve hundred complete ſuits of armour for Scotiſh gentlemen, and a large ſum of money [4]. France had May

[3] Regiſter, fol. 74. It is ordered that the moneyer ſtrike ſilver coin, "viz. ſterling," each pound of metal to render 29*s.* 4*d.* Scotiſh money. The noble is to paſs for 7*s.* 8*d.* the ecu 47 French deniers, or 42*d.* Scotiſh, the Flemiſh ecu 47½*d.* the mouton 50*d.* all Scotiſh money. An abſolute prohibition is iſſued againſt the exportation of coin, on the penalty of forfeiting the whole ſum, and even the life of the offender at the king's mercy: foreign merchants who bring victuals, (corn,) wine, or boards, (bordas,) and ſimilar articles, are however allowed to carry off the profits.

[4] Froiſſart, II, fol. 164, 166. Hiſt. de Charles VI par Juvenal des Urſins, Paris 1614, 4to, 1653, folio, p. 46. Vienne was the moſt celebrated warrior of France in that age. He was lord of Rollans, Clervaux, &c. Admiral of France, and knight of the order of the Annonciade; his father was Guillaume de Vienne lord of Rollans, one of the moſt ancient nobles of Burgundy. After many eminent ſervices, Jehan de Vienne attended the duke of Bourbon to the ſiege of Carthage, 1390, and was ſlain at the raſh battle of Nicopolis againſt the Turks, 26th Sept. 1396, where this veteran led the van and performed prodigies of valour. Dict. de l'Advocat, art. Vienne. Such was his reputation, even in his father's life-time, that he gloried in inſcribing on his tomb that he gave birth to ſo eminent a warrior. St. Foix, Eſſ. ſur Paris, II, 195, edit. 1766.

intended

1385 intended at the ſame time to attack England on the ſouth with a powerful armament; but this part of the deſign was abandoned, after an enormous expence incurred in the preparations [5]. Yet her declared intentions, and the vigour and importance of her plans, raiſed ſuch an alarm in England, that all her power and reſources were excited to repell the attack: and the failure of the ſouthern invaſion collected the whole tempeſt upon Scotland, and ſhook that kingdom to the center. Vienne arrived at Leith with his choſen battalion, which, to uſe the phraſe of Froiſſart, formed one flower of chivalry; and they were quartered in the villages around Edinburgh, till the King, then in the country, ſhould arrive at that capital. The French hiſtorian upon this occaſion preſents a deplorable picture of the ſtate of Scotland and its people. The poverty of the country, and the barbariſm of the nation, appear to have been extreme: the ſlighteſt accommodations of life, or even of war, could hardly be procured: every article of iron, or of leather, was imported from Flanders. The French at firſt laughed, and ſaid that they were happy to know by experience the hardſhips of penury, and the dark ſide of a military life; but, as their diſcontent increaſed, Vienne could ſcarcely appeaſe their murmurs. On the other hand the Scots were not leſs diſſatisfied with their gueſts; they defamed and hated their auxiliaries, as ſtrangers of an unknown ſpeech, as the future ſharers of their prey, and as the preſent conſumers of their little property [6].

[5] Froiſſart, II, fol. 166. Des Urſins, p. 9, ſays a tax of 12 deniers in the livre was propoſed in 1380 by the notables, but rejected by the people; in 1385, p. 46, the tax was ſo heavy that many left France, yet it was conſumed by the lords of the court, ſome of whom were bribed by the Engliſh. Vienne's navy amounted to ſixty veſſels; and the Engliſh had prepared a fleet, and a *fire-ſhip*, to aſſail them. Ib. p. 47.

[6] Froiſſ. II, f. v. 169.

At

At length the Scotiſh king arrived; the French money was 1385
diſtributed among the leading barons [7], the armour allotted to proper wearers, and an expedition was determined. An army of about thirty thouſand, mounted on ſmall horſes, aſſembled near Edinburgh, under the command of the Earls of Fife and Douglas; and marched, in conjunction with the French chivalry, towards Roxburgh. Entering the Engliſh territory, they deſtroyed two ſmall forts, aſſaulted and took the caſtle of Wark; and advancing burned ſeveral villages in Northumberland, and ravaged the country from Berwick to Newcaſtle. But their progreſs was ſoon impeded by the tidings that Lancaſter was approaching with a great array; and it was reſolved to ſecure the prey by returning into Scotland. Vienne, diſſatisfied with this retreat, prevailed on the Scots to beſiege Roxburgh; but a diſpute ariſing, upon a claim of the French to garriſon and retain the fortreſs when taken, the ſiege was abandoned [8]. It appears from Fordun, that the French and Scots made ſome other predatory incurſions into England [9].

Meanwhile Richard II had made great preparations, and ſummoned almoſt the whole force of his kingdom; and finding that the commotions in Flanders had fruſtrated the ſouthern

[7] See the account of the diſtribution in Rymer, VII, 484. The king had 10,000 livres; Douglas 7500, Cardinal Wardlaw 6000, Carric 5500, Archibald Douglas lord of Galloway 5500, March 4000, Fife 3000, James Lindſay 2000, the earl of Moray 1000; the other allotments are from 700 down to 10 livres. The livre of that time might be worth 6*s.* in weight; but in the comparative ſcarcity of money at leaſt equal to 4*l.* in modern currency. Compare the tables of Le Blanc, whence it appears that the livre of the time weighed about 1¼ ounce of ſilver.

In the beginning of July a curious military ordinance was iſſued, (Regiſter, f. v. 72,) concerning the conduct of the war; for an account of which the reader is referred to the next retroſpect of manners, &c.

[8] Froiſſart, II, f. v. 177—180. Compare des Urſins, p. 47.

[9] Fordun, II, 401.

invaſion

1385 Aug. invaſion of the French, he determined to exert all his power againſt Scotland. If we credit an Engliſh hiſtorian his army was numerous beyond precedent; and more than three hundred thouſand horſes were employed in various ſervices [1]. The youthful monarch choſe this as his firſt expedition, and ſolemn entry into the field of military fame; and was attended by his uncles, and by the chief nobles of England. The deſtruction of the abbey of Melroſe, long reſpected by the religious awe of the Engliſh, to whom it had afforded early ſaints and teachers, was the firſt warlike act of Richard II, the diſgrace of his arms, and the omen of his mental weakneſs. Dryburgh, and Newbottel, two venerable monaſteries, and Edinburgh with her churches, were ſucceſſively given to the flames. The Scots, unable openly to contend with an enemy ſo ſuperior in numbers, prudently followed the advice aſcribed to Robert the Great, by withdrawing their cattle and effects into foreſts, and wilds; and harraſſing their foes by unceaſing ambuſcades and excurſions. The green crops were alone left; and the harveſt was trampled and deſtroyed. After remaining five days at Edinburgh, the Engliſh marched to Stirling, which, with an abbey adjacent, was burnt to the ground. One hundred and twenty veſſels carried proviſions for the army, which ſtill advancing deſtroyed Perth and Dundee, and many abbies and monaſteries: and the couriers and vanguard even proceeded as far as Aberdeen, according to Froiſſart; but, from the old Engliſh and Scotiſh accounts, it rather appears that the Engliſh expedition only extended to the river Forth [2].

To divert the fury of this ſtorm, the Scotiſh army and French auxiliaries entered England by the weſtern marches,

[1] Walſ. 342.

[2] Froiſſ. II, f. 180. Walſ. 342. Fordun, II, 401. Winton, 835.

ravaged

ravaged Cumberland, and beſieged Carliſle. This invaſion 1385
concurred with the failure of proviſions to induce the Engliſh king to withdraw his vaſt army; which accordingly returned towards England by the eaſtern tract; and diſunited councils prevented an encounter with the Scots, who alſo retired to their own country by the weſtern boundaries [3]. Such was the iſſue of a conteſt, which had excited ſo great expectation; and which, as uſual, far from being advantageous to either kingdom, ended with the laſting detriment of both. At the cloſe of the campaign, the French auxiliaries, exhauſted with fatigue and hard fare, could not even procure leave to ſail for Flanders, till they conſented to pay the expence of their maintenance; and Vienne was forced to remain as an hoſtage till the ſum was paid at Bruges, to Scotiſh factors, by order of the French government [4]. This treatment was doubtleſs ungenerous, and the

[3] Froiſſ. II, f. 182. Walſ. 344, ſays the Scots took more prey than the Engliſh king, "cum imperiali exercitu."

[4] Froiſſ. II, 183. This honeſt writer vents his rage againſt the Scots, "car oncques ſi mauvaiſes gens ne virent, ne ne trouverent ſi faulx, et ſi trahyſires, ne de ſi petite congnoiſſance." The French had equally diſguſted the Scots by their uſual petulance; and Vienne himſelf had ventured on an affair of gallantry with a near relation of the king, to the amazement of their plain and pious allies, ſtrangers to ſuch manners. Des Urſins, p. 47: who, with more gayety than became an archbiſhop, ſays the French frequented the "dames et demoiſelles" of Scotland, who received them gladly.

The anonymous hiſtorian of the reign of Charles VI, whoſe ms. work was tranſlated from latin into French by Le Laboureur, and publiſhed by him at Paris 1663, 2 vols. folio, alſo deſerves to be conſulted by the curious reader, for an account of this celebrated expedition, Vol. I, p. 102. He ſays Vienne's fleet of ſixty ſhips was nearly burnt by the Engliſh, while at anchor, and was afterwards aſſailed by a furious tempeſt. On the admiral's arrival in Scotland, "Il manda par meſme moyen la ſterilité, et l'incommodité de ſubſiſter dans une terre, qu'il reconnut plus deſerte qu' habitée, preſque toute couverte de montagnes, et plus pleine de ſauvagine que de beſtail." In invading England

1385 the avarice was diſgraceful to the king and the nobles: but one happy effect followed, for it was long before any more of thoſe troubleſome and inſolent inmates infeſted Scotland.

1387 After a doubtful truce of nearly one year, the war continued it's progreſs. William Douglas, whoſe graceful perſon and warlike fame had procured him the hand of the king's daughter Egidia, and the title of lord Nithſdale, reſolved to open a long neglected field of action, by invading Ireland. Attended only by five hundred men he ſailed to Carlingford, and aſſaulted the town, whoſe inhabitants being no ſtrangers to his military reputation, reſolved to oppoſe guile to force, and begged a reſpite till they could collect a ſum ſufficient to ranſom the place. The Scotiſh leader, whoſe honeſt courage ſuſpected no fraud, conſented; and was occupied in repleniſhing his ſhips with proviſions, while the people of Carlingford ſent to Dundalk, and procured an aid of eight hundred horſe, which joined their own array and advanced againſt the enemy. Nithſdale had only two hundred of his followers on ſhore, from the want of proper boats for landing, and even theſe few were divided, a party having been ſent to ravage the country. The Engliſh reſolved to attack both parties, but the greater number advanced againſt Nithſdale; after an obſtinate conteſt the Scots obtained the victory; and they immediately took, ravaged, and burned the town of Carlingford, deſpoiled the caſtle, and loaded fifteen Iriſh ſhips, then in the harbour, with their prey. On their return the iſle of Man preſented another object of depre-

the French took the caſtle *Dwart* (De Wark?) A ſecond invaſion alſo occurs, p. 108. Douglas alone favoured the French. The admiral's amour is mentioned; and it is aſſerted that the King's *couſine* was not unkind: in revenge Robert, and ſome peers, intended to aſſaſſinate the preſumptuous Frenchman, who was glad to eſcape. The character of Vienne was afterwards ſtained by his cruelty to the wife and daughter of Pierre de Craon. Ib. p. 215.

dation:

dation: and Nithſdale with his followers arrived ſafe at Loch 1387
Ryan in Galloway, with no ſmall wealth and honour[5].

The weak, and impolitic, conduct of Richard II diſtracted 1388
the Engliſh councils, and diſcontent pervaded the nation, when the Scots thought the time convenient to retort the ravages of war, which that monarch had carried into their country. An aſſembly of the Scotiſh nobles met at Aberdeen, and agreed to appear with their reſpective vaſſals in arms at Jedburgh, for an expedition into England[6]. Age had ſo much impaired the faculties of Robert II that his conſent was not expected, nor regarded[7]; and the feebleneſs of John Earl of Carric the heir apparent, both in body and mind, ſeemed to increaſe with his years; ſo that Robert Earl of Fife, ſecond ſon of the king, was reſpected by the nobles and nation, as the main ſupport of the monarchy, and the only active inſtrument of its influence. When the army therefore aſſembled at Jedburgh, he appeared as commander in chief: and to as complete, and firm, battalions as Scotland had ever ſent forth, was added the terror of the name of Douglas. About twelve hundred lances, and forty thouſand rude infantry, compoſed an army, rendered ſtill more formidable by the reputation and experience of ſome of its leaders. Theſe infantry were chiefly accoutred with battle axes; for the Scots were unhappily little ſkilled in the bow, that perpetual inſtrument of Engliſh triumph[8].

Unintereſting is the narration of important actions, if not accompanied by thoſe circumſtances which recommend them

[5] Fordun, II, 404.

[6] Froiſſart, III, f. 108; "ils ordonnerent une feſte ſur la frontiere de la ſauvage Eſcoce, en une cité nommée *Berdane*." The Mss. Reg. 14 D II, Vol. IV. f. v. 355, reads *Abredane*.

[7] Ibid. they ſaid, "qu'il ne ſcavoit guerroyer."

[8] Froiſſ. III, f. 108.

1388 to the imagination, and render the reader as it were a preſent ſpectator: and one of the chief utilities of hiſtory ariſes from the view of characters and of manners. Upon ſelect occaſions therefore it is not improper to deſcend to the particularity of memoirs, and to compenſate pages of annals by now and then painting a momentous, or even a ſingular, event in all the colours of detail. Without further apology Froiſſart's account of this expedition, crowned by the celebrated battle of Otterburn, ſhall be followed; and only with one cauſe of regret, that it is the laſt aid to be derived from that remarkable writer, the worthy and honeſt herald of the times of chivalry [9].

The Northumbrians, having learned that a Scotiſh army was collecting, reſolved to prepare; and, if the Scots entered England by the weſtern, to repay the invaſion by the eaſtern marches. An Engliſh gentleman went to eſpy the intentions of the enemy, who had advanced to the chapel of Salom, a noted ſtation near the borders: and entering the chapel in the diſguiſe of a ſervant ſaw the Scotiſh nobles aſſembled, and heard much of their deſigns. When he withdrew he expected to have found his horſe tied to a tree, as he had left him, but he was ſtolen; and the gentleman's fear, or negligence of art, in walking away without any enquiry, led to ſuſpicion. He was ſeized, and confeſſed that the Northumbrians, unable to encounter the inimical numbers, had determined on whatever ſide England was invaded, to aſſail Scotland on the oppoſite. This induced the Scotiſh leaders to reſtrain the main army to the protection of their own country, and to order only a ſtrong detachment, under the tried heroiſm of the Earl of Douglas, to advance into England. At the head of three hundred men

[9] The ſubſequent narrative is derived from Tome III, f. 108—117, edit. 1518, 4to; compared with the edition of Verard about 1498, and the MSS. The altered editions by Sauvages have been always neglected in this work.

at

at arms, and of two thouſand choſen infantry, Douglas pro- 1388
ceeded, without pillaging the country or attacking any place; paſſed the Tine three miles above Newcaſtle; and, with the ſuddenneſs and deſtruction of lightning, darted on the county of Durham. When the diſtant flames, and ſmoke, of burning villages had given the firſt tidings of the Scotiſh arrival, the Earl of Northumberland, then at Alnwick, ſent his two ſons, Henry and Ralph, to Newcaſtle, to aſſemble a force in purſuit of the enemy, while he ſhould gather another on the north, and preclude their retreat. All the country being pillaged to the gates of York[1], and the unfortified towns and villages deſtroyed, Douglas returned with the ſpoil, repaſſed the Tine at the ſame place; and came before Newcaſtle, whither the chief people of the neighbouring counties had crouded, to gain the protection of a walled city, and of the two gallant Percies, Henry ſurnamed Hotſpur, and Ralph, his brother in birth and arms. Many ſkirmiſhes enſuing, at one of them Douglas won the pennon of Henry Percy, to the great mortification of that undaunted leader and of his followers: and to add to the diſgrace Douglas vaunted, "This I ſhall carry as a ſign of thy proweſs to Scotland, and ſhall place it on the pinnacle of my caſtle to be known by all." Percy retorted with an oath, "Thou ſhalt never bear it out of Northumberland; and in the end ſhalt have little cauſe to boaſt:" to which Douglas replied, "Then thou muſt come this night, and take it from before my tent." Next morning the Scots purſued their march; and, aſſailing a caſtle without ſucceſs, wiſhed to proceed, but Douglas commanded them to encamp, in order to ſee if Percy would advance to recover his pennon, and that, being refreſhed,

[1] This is confeſſed by the Engliſh monarch himſelf, in a deed publiſhed by Rymer, VII, 594.

they

1388 they ſhould again attack the fortreſs in the morning. They accordingly fortified their ſtation with felled trees, to prevent a ſurprize; and next day captured the caſtle, and purſued their journey towards the main army, till they came to Otterburn, a hamlet amid the wilds of the pariſh of Elſdon, about thirty miles northweſt of Newcaſtle, and about twenty from the Scotiſh borders, which was to be a ſcene of celebrity to the bard and to the hiſtorian.

Meanwhile Percy wiſhed to purſue the Scotiſh detachment, but was reſtrained by the tidings that the main army was near, and ready to ſupport Douglas; till the couriers brought certain intelligence that they were far diſtant, and incapable of effecting a junction for ſome days. Percy, with his uſual impetuoſity, inſtantly cried, "To horſe!" it being early in the morning; and left Newcaſtle attended by ſix hundred lances, or knights and ſquires, and eight thouſand infantry accoutred with the dreadful long-bows of England. After a forced march, they reached the Scotiſh camp at Otterburn late in the evening. The Scots had ſupped, ſome had even retired to reſt fatigued with various exertion; and the Engliſh began to enter the outer entrenchment, where the ſervants were ſtationed, ſhouting "Percy! Percy!" but they found it well fortified. Some infantry was ordered to ſupport the ſervants, by the Scotiſh chiefs, who in the mean time armed in haſte, and arrayed their men under their banners. Night was now advanced; but the
19 Aug. moon ſhone clear in a ſerene ſky of the month of Auguſt.

The Scots, armed, and arranged, proceeded, not towards the aſſailants, but around an eminence; and attacking the enemy in the rear raiſed all at once the cry of battle, upon which the Engliſh in ſurprize turned, ſtrengthened their ranks, and reſounded "Percy!" in anſwer to the Scotiſh acclaim of "Douglas." After a ſevere conteſt the Scots were on the

point

point of yielding to numbers, when the Earl of Douglas, 1388
ardently puſhed forward his banner; and both the Percies
advanced againſt him, with equal impetuoſity, ſo that the
Scots recoiled, and, had not the valour of the two Hepburns
oppoſed, the banner of Douglas had been taken. Douglas,
irritated by the apprehenſion of diſgrace, rouzed all his ſtrength
and courage; and, brandiſhing a two-handed battle-ax, opened
the thick files of the foe, as with a long avenue, deſpiſing
numerous blows, and committing his life to the temper of his
armour. He had advanced far from his battalions, when he
fell under three mortal wounds. But ignorance of his fate
forbad the Engliſh to triumph, and the Scots to deſpair. The
former only ſaw that ſome valiant man at arms had fallen:
and the latter were inſpirited by the Earls of March and Moray
to follow a tract, which they knew not had conducted their
leader to death. Fortune now began to favour the Scots.
Ralph Percy, advancing too far in return, was ſeverely wounded,
and taken priſoner by Maxwell, a knight who followed Moray:
and the Engliſh, exhauſted with a fatiguing march and an
obſtinate conteſt, began to exhibit ſymptoms of depreſſion and
defeat.

Douglas, faint with the loſs of blood, and ſenſible of the
approaches of death, was defended by his valiant chaplain,
William of Northberwick. His banner lay on the ground,
not far from him, the bearer being ſlain, when Lindſay,
Sinclair, and ſome other knights, pierced through the now
yielding foe, and reached the ſpot, and beſpoke their general.
Even trifles in ſuch a converſation are intereſting. "Couſin,
how goes it?" ſaid Sinclair. Douglas anſwered "But ſo, ſo.
Praiſed be God few of my anceſtors have died in chambers or
beds—Avenge me, for I die—My heart faints too repeatedly.
Raiſe again my banner, and ſhout Douglas! But tell neither
friend

1388 friend nor foe how it fares with me, for my enemies would exult, and my friends be diſconſolate." The banner was erected; the whole field reſounded with the animating cry of Douglas! and the Scots, excited as with the voice of victory, inſtantly formed one phalanx, and with levelled ſpears puſhed the enemy to flight.

Henry Percy was taken priſoner by Montgomery: and the defeat was complete. Radman, the governor of Berwick, was almoſt the only Engliſhman of note who eſcaped: and the Scots purſued the chaſe for five miles. The number of the Engliſh ſlain is computed at twelve hundred. Such was the battle at Otterburn, which Froiſſart repreſents as the moſt eminent fought in his time, for heroic bravery on both ſides, and the real ſpirit of war. He alſo highly applauds the courteſy ſhewn by the Scots to their priſoners; and obſerves that both nations were not leſs laudable for their benevolence after a battle, than for their courage during its rage [a].

Douglas was carried to his tent, where he ſoon expired: but, though diſpirited at the loſs of their leader, the Scots determined to maintain their ſtrong ſtation againſt the freſh Engliſh army which approached. For the biſhop of Durham had reached Newcaſtle, the night of the battle, with ſeven thouſand men, two thouſand of whom were cavalry: but a conjunction was prevented by Percy's impetuoſity. Advancing next morning he was met by the fugitives from Otterburn, whoſe tidings raiſed ſuch diſmay, that all his followers fled back to Newcaſtle, except five hundred, with whom the biſhop was at laſt alſo conſtrained to regain that city. Here he found means to inſpirit his followers, and the inhabitants; ſo that he marched next morning in queſt of the Scots attended by ten

[a] Froiſſart, III, f. 113.

thouſand.

thouſand. The Scotiſh ſcouts, the day after, notifying his approach, their chiefs determined not to leave their camp, as they had many wounded and priſoners to attend: and, when the biſhop came within a mile's diſtance, they began all at once to ſound their horns in a loud diſcordance of warlike muſic. After a pauſe, the ſame horrible din of defiance was repeated; and the biſhop arranging his hoſt, and advancing within two bow-ſhots, was again ſaluted with the thundering noiſe. Obſerving the ſtrength of the rude fortification, and that its poſſeſſors were too prudent to deſert its advantages, the Engliſh, after a brief council, retreated: and the Scots having refreſhed themſelves prepared to march. Ralph Percy requeſting permiſſion to go to Newcaſtle, to have his wounds attended, the Earl of Moray conſented, and ordered him to be conveyed in a litter. The Scotiſh march, inſtead of triumphant ſeemed funereal, and the joy of ſucceſs was tempered with tears; for the body of Douglas, incloſed in a coffin, and borne on a car, formed the chief object in the progreſs [3]. 1388

The main army, under the Earl of Fife, who appears to have had but mean talents for war, was now lying near Carliſle; and not a little envied the ſucceſsful detachment; for the victory, and the gain by ranſoms, were eſteemed the moſt remarkable which had occurred ſince the day of Bannocburn [4].

An aſſembly of the three eſtates being ſummoned to Edinburgh, ſolemnly recognized Robert Earl of Fife governor of 1389

[3] Froiſſart, III, f. 117.

[4] Ibid. The ranſoms were eſtimated at 200,000 francs. Robert III granted to Henry *Preſton*, for the redemption of Ralph Percy, the lands and barony of Frondlin, Aberdeenſhire, the town of Fyvie and place thereof, the town of Meikle Gaiddies, the five-mark land of Parkhill. Scotſt. Cal. f. 104. Froiſſart apparently errs in the name of his captor. Yet Mar had 20*l.* a year for a third of it, the whole exceeding 600*l.* Cal. f. 114.

1389 the kingdom; an elevation for which he was apparently as much indebted to his own intrigues, as to the age of the king, and the weakneſs of the ſucceſſor[s]. The latter ſeems, from the parliamentary acts of this reign, to have formerly ſtood in that high capacity: and the king commonly ſhunned the pomp, and, it is ſuſpected, the duties of royalty, by reſiding on his parental eſtate, an example followed by his ſucceſſor, though impolitic in an eminent degree. Preferring the remote manſions of the Stuarts to the centrical and accuſtomed reſidences of the Scotiſh ſovereigns, they ſeemed to forget their rank, their office, their people; and removed from the ſcene of action, from the vital heart of the kingdom, the monarch could only be ſeen by the nation in a dangerous repreſentative. Aſſemblies of the ſtates ſeem to have been ſeldom held, an ariſtocratic council decided upon peace and war, and upon the beſt intereſts of the people; but this fault was common to England and moſt European kingdoms at this period; while the appointment of the ſecond ſon, as governor of the ſtate, to the prejudice of the heir apparent, may be regarded as a new and dangerous precedent, declarative of great weakneſs upon the one part, and upon the other of baneful ambition.

The new Regent, deſirous to ſignalize the commencement of his power, aſſembled an army on the borders againſt the Earl of Nottingham, Marſhal of England, lately appointed Warden of the eaſtern marches; and who, in the uſual concomitance of pride and weakneſs, had reproached the Percies for the loſs at Otterburn, where their army was far more numerous than that of the Scots; and boaſted that he hoped to vanquiſh, even if oppoſed by numbers doubling his own. But when Fife accompanied by Archibald, the ſucceeding Earl

[s] Fordun, II, 414. Winton, 845.

of

of Douglas, and by other nobles, poured his array into England, 1389
the Earl Marſhal reſtrained his men in a ſecure and inacceſſible
ſtation; and to a challenge of the Regent, inviting him to
deſcend and fulfil his threats, he replied that "he had no
orders to expoſe the lieges of his ſovereign to any danger."
This anſwer was received with peals of laughter; and the
Scotiſh army, after ſtanding in defiance half the day with
banners diſplayed, ravaged the adjacent country, and returned[6].

A reſpite was at length given to the war, by a truce formed June
between France and England for three years, in which their
allies were included[7]. Thoſe of France were the kings of
the Romans, Scotland, Arragon, Navarre; the Scotiſh Earl
of March, the iſle of Man, the Ducheſs of Brabant, the
Republic of Genoa. And the allies of England were the
king of the Romans, with thoſe of Portugal and Arragon,
the Earl of Saliſbury, the lordſhip of Man, the Duke of
Gelder, John Lord of the Iſles of Scotland, and the Republic
of Genoa. An embaſſy being ſent from England, to notify
the truce, and deſire the conſent of Scotland, the envoys were
by the Governor remitted to the king, who agreed as from
deference to France. The Earls of Saliſbury and March
appear to have been named in this truce, in conſequence of
their claims to the iſle of Man, and ſome debateable lands
upon the borders. The Lords of the Iſles were really inde-
pendent of Scotland, and by their fleets maintained their
power in the iſles, and over the weſtern highlands, while the
Scotiſh kings had no fleet to oppoſe them, and could not attack
mountainous regions inacceſſible to armies. The brief and
confined conqueſts of Alexander III and Robert I, had not

[6] Fordun, II, 414. Winton, 846. Walſingham only mentions the burning of Tinmouth by the Scots. Ypod. 144.

[7] Rymer, VII, 622.

1389 overcome the old Norwegian ſpirit; and the Hebudes muſt be regarded with truth as an independent principality, till the ſixteenth century: had the lords been told of their occaſional ſubmiſſion to Scotland, they would have retorted by inſtances of the like neceſſity forced upon that country by England. But the circumſtance, which eſpecially induced the mention of theſe princes in the truce, was a treaty concluded between Richard II, and the Lord of the Iſles, in the preceding year [8].

This ſhort pacification was the laſt important act of Robert II,
1390 who died at his caſtle of Dundonald in Kyle, a few miles ſouth
19 Apr. of Irwin, after a ſhort illneſs, in the ſeventy fifth year of his age [9]; having completed nineteen years of a reign, mingled with various fortune, but upon the whole neither unſucceſsful, nor inglorious.

[8] Rymer, VII, 592. [9] Fordun, II, 415. Winton, 851.

# BOOK II.

## CONTAINING THE REIGN OF ROBERT III.

*Character of Robert III—diſorders in the highlands—truce with England—feuds—title of Duke—war with Henry IV—expedition of that king—Rothſay's character and marriage—defection of March—incurſions—parliament—murder of Rothſay—incurſions—battle of Homildon—cruelty of Henry Percy—murder of Drummond—ſiege of Coklaws—captivity of prince James—Northumberland's rebellion—death of the king.*

JOHN, the eldeſt ſon of the deceaſed monarch, aſcended the throne; and his name being reputed inauſpicious to royalty, he aſſumed that of Robert, recommended by the virtues and the glory of Robert I, and by the acceſſion of the Houſe of Stuart under the preceding ſovereign [1]. Power depending wholly upon opinion, princes are often forced to ſacrifice even to the ſuperſtitions of the vulgar. Robert III had apparently exceeded his fiftieth year, when he began to reign, and had been wedded at leaſt thirty three years to Annabella Drummond, daughter of Sir John Drummond of Stobhall; by whom he had, however, no children till the 1390

[1] The unfortunate reigns of John of England, John of France, and John Baliol, ſeem alone to have been conſidered. Had the hiſtories of Caſtille, Arragon, Portugal, Denmark, &c. been conſulted, this vague idea muſt have paſſed away. James was, in Scotiſh hiſtory, a moſt unhappy name; yet was continued to ſix ſovereigns.

year

1390 year 1378, when David, afterwards Duke of Rothſay, was born; and James his other ſon did not appear till the fifth year of his father's reign, being the firſt royal birth in the family. Three daughters, to be married to the Earl of Douglas, the Earl of Angus, and Lord Dalkeith; and two natural ſons, completed the progeny of Robert III [a].

Though this monarch had been lamed by an unfortunate accident, yet his perſon was tall and graceful: his florid countenance, and vivacious eyes, joined with the ſnowy whiteneſs of his beard, rendered him an object at once pleaſing and majeſtic. But his indolent meekneſs, his piety, his ſaint-like humility, are fitter themes of praiſe to the monk than to the philoſopher, who knows that the virtues of a king are the virtues of ability, and of action; and that the moſt acceptable ſervice to the Deity conſiſts in the ſervice of mankind. The lenity of Robert III may be vindicated from the yet new elevation of a family, accuſtomed to regard the nobles as equals and brothers; but it unhappily tended to increaſe the power of the ariſtocracy, and add to the conſequent ſtock of public calamity. Yet the years of his reign were fertile, and the people were contented: though in the continuous ſtruggles with England for political freedom, it is no wonder that internal liberty made no progreſs; and that the Scots remembered that they were ſoldiers, but forgot that they were men [b].

Before the coronation of the new ſovereign had taken place, an event occurred, ominous and diſgraceful to his reign. His

[a] Bowar, 391. Crawf. Houſe of Stuart, 31. Stewart's Gen. 62. In 1356, or thirty four years before this period, we find John Stuart, afterwards Robert III, ſubduing Annandale, Dalr. Ann. II, 238; but his preciſe age remains unaſcertained. In 1357 his marriage with Annabella is mentioned in a charter. Abercr. II, 157.

[b] For the character of Robert III compare Bowar II, 440.

brother,

brother, the Earl of Buchan, freed from parental controul, and knowing that the ſceptre had fallen into a weak hand, collected his highlanders, and burned the cathedral of Elgin, eſteemed one of the chief ornaments of the country, in revenge of ſome quarrel with the biſhop of Moray. It appears not that he was even queſtioned for a fact, which united barbarity with profanation; while, had he received the higheſt puniſhment, a more uſeful or ſtriking example could not have been inſtituted, to curb a turbulent nobility, and teach them obedience to laws, and to the ſovereign the guardian of laws [4]. 1390 17 June

The ceremonies of the funeral of Robert II, and the inſtallment of his ſucceſſor, being celebrated at Scone, the king's firſt attention was directed to the confirmation of the truce 13 and 14 Aug.

[4] Bowar, II, 416. Winton, 860. Chartul. Moray. apud Shaw's Moray, 412. The day of St. Botulf is the 17th June: Britannia Sancta, ſub die.

About this time William Douglas, the valiant lord of Nithſdale, was ſlain by the Engliſh on the bridge of Dantzic in Pruſſia. Bowar, II, 416. The Pruſſian chronicles ſeem to be ſilent; and the Tranſacta inter Angliam et Poloniam, Cotton Lib. Nero, B. II, have been conſulted in vain, though copious in papers of this period: a ſolemn treaty having been concluded between England and the Grand Maſter of the Teutonic order in 1387. In 1402 Henry IV was to complain that no Engliſh woman was allowed to land in Pruſſia, a regulation perhaps ariſing from their beauty being dangerous to the chaſtity of the knights. In that year there were thirty two Engliſh ſhips in the ports of *Pruſſia*, yet the Poles favoured the Scots. Ibid. ſub annis. It is well known that numerous Scotiſh adventurers have ſettled in Poland.

The curious Memoirs of Mareſchal Boucicaut, written by a contemporary, and publiſhed at Paris by Godefroy, 1620, 4to, mention ch. 18, p. 66, that Boucicaut went to Pruſſia, for the third time, to revenge the death of Meſſire Guillaume Duglas, (after Bourbon had proceeded to Barbary againſt the infidels.) Many ſtrangers had aſſembled at Konigſberg, to join the Grand Maſter in his war againſt the *Saracens*, (infidels of Pruſſia;) and Douglas had been ſlain by the treaſon of the Engliſh, whom Boucicaut defied, but was anſwered that the vengeance belonged only to the Scots. The Grand Maſter was dead, but the infidels were defeated at *Letta*.

with

1390 with England, and the renewal of the league with France [5]. The Earl of Fife ſtill managed the public affairs [6], which continued for the firſt eight years of this reign in a ſtate of external peace, but were ſomewhat diſturbed at home by inroads of the highlanders, diſtinguiſhed by French and domeſtic writers, from early times to the preſent century, as the ſavages of Scotland.

1392 One of their incurſions into Angus has been eſteemed worthy of hiſtorical preſervation. According to Bowar, the continuator of Fordun, it was conducted by Duncan Stuart, a natural ſon of the Earl of Buchan; but Winton's account bears, by three highland chieftains, Thomas, Patrick, and Gibbon, ſons of one Duncan. Sir David Lindſay of Gleneſk, hearing that an inroad was intended, ſent a ſpy to diſcover the circumſtances of the deſign; but he never returned; and the highlanders,

[5] Winton, 859. Bowar, the continuator of Fordun II, 418. As Fordun's materials cloſed about 1385, his continuator ſhall henceforth be quoted: his name is ſpelled as it appears in old Scotiſh charters in Scotſtarvet's Calendars, and in his own work, p. 447.

The renewal of the league with France was ratified by Robert at Edinburgh, 1 Dec. 1390: Regiſter, f. 65. MS. Leagues France and Scotland. It refers to that of 1371.

[6] Bowar, 420, ſtyles Fife the *Governor*, "coram rege et gubernatore;" yet the power is more certain than the title. In Veſp. F. VII, f. 29, are inſtructions to Henry Percy, Scroop, &c. 27 May, regni xiii—1390, to demand the remainder of David's ranſom, being 24,000 marks: "le Roy d'Eſcoce, et le Comte de Fyff Gardein d'Eſcoce," are mentioned. In 1391 are inſtructions, ib. f. 30, requiring the homage of the Scotiſh peers, clergy, and commons, and that Robert ſhould attend the Engliſh parliament: the ſum of 2000*l.* a year is demanded, as ariſing from Edward Baliol's lands, aſſigned to the kings of England, viz. Berwick, Roxburgh, Edinburgh, and all the poſſeſſions of theſe monarchs in Scotland at the time of the truce of 14 years, between Edward III and David II, &c. Theſe extravagant demands ſeem to have been occaſioned by Robert's renewal of the French league; and, if propoſed, were treated with due contempt. But Robert accepted the treaty of Leilinghen: ib. f. 36, n. 1.

exceeding

exceeding three hundred in number, ruſhed into the plains. 1392
Sir Walter Ogilvy, Sheriff of Angus, and Sir Patrick Gray, collected their followers, and marched againſt the plunderers, whom they found at Glaſclune in Stormont; and a conflict began, during which the Sheriff was joined by Sir David Lindſay. The highland ferocity prevailed; and the Sheriff, with his half-brother Walter Lichton, and ſixty of his people, were ſlain; and Lindſay and Gray wounded[7]. That any chaſtiſement was inflicted on the marauders does not appear from the original account; but it would have been happy if Robert III had poſſeſſed ſufficient benevolence and ability to impart ſome degree of civilization to this unhappy part of his ſubjects, and to have fulfilled the nobleſt duties of royalty by the propagation of law, peace, and induſtry.

The inſanity of Charles VI of France, which appeared this ſummer, and the conſequent diſtracted ſtate of affairs in that kingdom, conſpired with the Engliſh diſcontents, under the maladminiſtration of Richard II, to render a prolongation of the truce of Leilinghen expedient: and it was accordingly extended at different times to Michaelmas 1394, and afterwards 16 Aug.
to the ſame term in 1398[8]. This conſtant repetition of truces between England and Scotland, unknown to any other hiſtory, is tedious and unpleaſing in every view. One is led to imagine that the ſyſtem of Hobbes is founded in truth, and that war is the natural ſtate of man. But peculiar circumſtances contributed to this inveterate and lengthened enmity. The conduct of Edward I, when choſen the friendly arbiter of the diſputes concerning the Scotiſh ſucceſſion, was unkingly and ungenerous beyond example; and deſtroyed the moſt ſacred rules of ſociety, and every bond of mutual confidence, and of public faith. It

[7] Bowar, 430. Winton, 863. [8] Rymer, VII, 714, 769, &c.

1392 is no wonder then that the Scotiſh nation had converted all their antient regard for the Engliſh into a rooted enmity; and that the ſituation of the two nations confined in one iſland occaſioned continuous war. The ambition of ſovereigns, that chief ſcourge of mankind, and ſpring of ſlaughter, led the Engliſh kings to maintain the lofty pretenſions of Edward I, and untaught by experience to hope the vain conqueſt of Scotland; nor could they abandon their claims leſt juſtice ſhould be interpreted want of power, and the higheſt wiſdom accounted imbecility. Such evils could ariſe from the ambition of one man! The inadmiſſion, or dubious grant, of the title of the Scotiſh ſovereigns, was an inſult to them, and to the nation; which, with the unjuſt pretenſions on the one ſide, and jealouſy and revenge on the other, precluded all hopes of ſolid and laſting peace. When we find Henry VIII, in 1542, repeating the extravagant claims of the firſt Edward, almoſt in his own words, we muſt exult in thoſe happy events which terminated a diſcord that threatened to be perpetual [9].

Our hiſtorians, barren in the important provinces of internal government, national freedom or ſlavery, laws, and manners, and arts, have condeſcended to preſerve two incidents of little importance, but to ſhew the barbarous ſpirit of the times.

[9] In 1394 occur two letters from Annabella queen of Scotland to Richard II. Veſp. F. VII, f. v. 38, n. 2, and f. 39, n. 1. The firſt, dated 28 May, ſays that the time of conference, propoſed for a marriage between certain perſons of their families, is too ſhort, as the king was then in a diſtant part of the country: the ſecond, 1 Aug. mentions that the queen was juſt recovered from child-bed (of James I;) but that the 1ſt of October would be a proper time for ambaſſadors to meet, and conſider the marriage, between "AUCUNS procheins de votre ſanc, et AUCUNE des enfans du Roi, mon ſeigneur, et de nous." The male hence appears to have been Engliſh. Compare the commiſſion of Richard for the marriage in Rymer, VII, 787, dated 27 Aug. 1394.

In the ſame year John Dunbar earl of Moray was wounded in a tourney at London, and died at York on his return. Caxton's Higden, f. v. 398.

A feud

A feud ariſing between Lindſay of Crawford and Robert Keith, alſo a man of wealth and diſtinction, the latter laid ſiege to the caſtle of Fyvie in Buchan, inhabited by his own aunt the wife of Lindſay. Gathering between three or four hundred of his friends and followers, Lindſay paſſed the Grampian hills, called the *Mounth* or *Mound* by our old writers, and was met by Keith at Bourtie church, in the Garioch, Aberdeenſhire. In the conflict Keith was diſcomfited, with the loſs of about fifty men [1]. 1395

The north of Scotland being diſturbed by continual feuds, between the two highland factions of Clan Kay, commanded by one Shee-beg and his relations, and Clan Quhele under a Chriſtie Jonſon [2], which could be appeaſed by no authority nor art of the king, or Fife the governor, it was at laſt adjuſted by the Earl of Moray and Lindſay of Crawford, that the diſpute ſhould be terminated by thirty men, appointed upon either ſide to fight in the royal preſence at Perth. Having met on the day named before the king, governor, many nobles and a great multitude, eager to ſee this novelty, one of the Clan Kay felt his heart fail, and eſcaped by ſwimming acroſs the Tay, upon which a clown who was preſent offered to ſupply his place for half a mark. A fierce battle enſued with bows, battle axes, ſwords, and daggers; and ended in the defeat of Clan Kay, who had only the mercenary left alive, while eleven of the opponents keeped the field [3]. The highlanders were 1396

[1] Winton, 866.

[2] Winton, 868, calls the clans, of "wyld Scottis," *Sha* and *Quhele*; and the leader of the former by his account was Sha Farquharſon, apparently the Shea-Beg, or Sha the little, of Bowar.

[3] Winton, 868, but he ſays the conflict was indeciſive. Bowar, II, 420, 421. The modern improvements, or corruptions, of the tale are beneath notice; they unaccountably originate with Leſley and Buchanan.

1396 afterwards more quiet for a few years: but it might be ſaid upon this occaſion that a public ſpectacle had been appointed, to manifeſt to the nation that the government was without power, and the laws without force.

1398 March To reſume a more important train of events, David Earl of Carric, eldeſt ſon of the king, the Earl of Fife, and other Scotiſh commiſſioners met John Duke of Aquitain and Lancaſter, and others, on the part of England, according to an agreement made in the preceding year, at Haudenſtank on the marches; and the truce was renewed to Michaelmas 1399[4]. It is not improbable that the ſuperior title of the Engliſh Duke led to ſome claim of precedence, or reſpect, not reliſhed by 28 April the Scotiſh princes, for in the courſe of this ſummer we find the firſt appearance of the ducal title in Scotland[5]; and its appropriation affords another proof of the king's weakneſs, and of the governor's inſatiable ambition. The heir apparent of the kingdom was created Duke of Rothſay, a miſerable hamlet in the iſle of Bute, while the whole iſland would not have afforded a territorial title to a baron; and the Earl of Fife had the real ſtyle of heir apparent, in the title of Duke of Albany, or of all Scotland north of the firths of Clyde and Forth. That ſuch a perverſion ſhould have continued to our own times, is only an inſtance of that inattention, and blind imitation, ſo natural to [illegible]kind. Theſe titles were conferred in a ſolemn council held at Scone: and prince David, then in his twentieth year, appeared as the leader of a tournament, exhibited at Edinburgh by the queen's command[6]. Chivalry

[4] Rymer, VIII, 33. A letter of Carric to John of Gaunt occurs, Veſp. F. VII, f. 68, n. 2.

[5] Bowar, 422. Winton, 873.

[6] Bowar, 421, ſays it was held near the North Loch, "ubi nunc eſt lacus;" does this imply that the lake was recent?

now

now reigned in both kingdoms: Morley, an Engliſh gentle- 1398
man, came to Scotland to challenge combats, as David Lindſay, created Earl of Crawford, had ſome years before been an actor in the ſplendid tournaments of Richard II [7].

A freſh congreſs of commiſſioners was held, to eſtabliſh October
further articles of truce; and guarantees were appointed for more effectual ſecurity of the borders, and to act as guardians of the peace, in preventing or chaſtiſing any limitary depredation [8]. A difference was compromiſed which had ariſen on the capture of a Scotiſh veſſel, having on board Sir John Hamilton of Cadyou, anceſtor of the Dukes of Hamilton, and other men of rank, by immediate reſtoration, deliverance, and compenſation for the damages [9]. But the family of Douglas ſeem not to have been pleaſed with the appearances of amity between the kingdoms, which the critical ſituation of Richard II, owing to the revolt of Ireland, had led him to wiſh; for the Earl's ſon, with Sir William Stuart and others, broke down the bridge at Roxburgh, plundered the town, and ravaged the adjacent lands [1]. This expedition may however have been a mere ſally of intemperate courage, for the Earl of Douglas ſoon after conſented, as warden of the weſtern 6 Nov.
marches, to obſerve the truce, and gave ſecurities for that purpoſe [2]. The Engliſh king, intent upon his Iriſh expedition, was now anxious to eſtabliſh a [illegible]nd laſting peace with Scotland, and inſtructed his ambaſſadors to uſe every endeavour for this end, or at any rate to procure a long truce. The Dukes of Lancaſter and Rothſay again met; but only confirmed the truce formerly eſtabliſhed, to laſt till Michael-

[7] Bowar, 421—424. Winton, 853. [8] Rymer, VIII, 54. [9] Ibid. 57.
[1] Ibid. Winton, 870, ſeems to narrate this incident, but has erroneouſly put Jedburgh.
[2] Rymer, VIII, 58, 59, &c

mas

1398 mas 1399 [3]. Lancaſter had long been Lord Lieutenant of the Engliſh marches, and being of courſe the chief inſtrument in the negociations, it is not matter of ſurprize that they did not ſucceed, when we conſider the differences between him and Richard. Upon his death in the enſuing year, his ſon, Feb. 1399 irritated by the injuſtice of his ſovereign, returned from his Sept. 30. ſhort baniſhment, dethroned Richard II; and is known by the name of Henry IV, as the ſucceſsful uſurper of the Engliſh crown.

While the parliament of England was occupied with the depoſition of one ſovereign, and the appointment of another [4], the Scotiſh borderers took and ruined the caſtle of Wark, the governor Sir Thomas Gray then being abſent upon his parliamentary duty, and ravaged the adjacent country [5]. Henry IV ſoon after nominated Ralph Neville earl of Weſtmoreland to treat with Scotland; and, in caſe that a peace or truce could not be obtained, to offer an agreement that the towns of Dumfries in Scotland, and Penrith in England, ſhould be declared free from any hoſtility [6]. This and another commiſſion, granted in the end of the year, were alike ineffectual.

[3] Rymer, VIII, 65.

[4] Winton, 879, 880, tells a ſtrange ſtory of Richard II being diſcovered in the Hebudes, by an Iriſh lady named Biſſet, wedded to the brother of the lord of the Iſles. This Richard [illegible] ever maintained by Robert III, and by Albany the regent: he was [illegible]vout, and ſeemed diſtracted, ſays Winton. Bowar, 427, believes the tale. The rimming chronicler gives, p. 880, an incoherent account of the ſeizure of *Dumbarton* caſtle, by the parſon of Kincardin O Neil.

[5] Walſ. 403. But Umfraville defeated the Scots at Redſwyre, on another inroad. Harding, f. 199.

[6] Rymer, VIII, 107. Abercromby unaccountably ſtyles Weſtmoreland the brother of Henry IV; in which he is blindly followed by Guthrie. Robert had, in his letters, only addreſſed Henry as duke of Lancaſter. Veſp. F. VII, f. 59, n. 3. dated 2 Nov. and f. 66, n. 1.

The

The malady of the monarch, and the diſturbed condition of France, prevented any exertion againſt the new Engliſh king, though that power did not behold with indifference her ally Richard II hurled from the throne, and the intruſion of a prudent and ſpirited uſurper. She excited Scotland to revenge her quarrel by vexatious inroads: and early in the year Henry ſummoned his council, to conſider the moſt effectual means of retorting vengeance [7]. Unhappily theſe means were ſoon ſupplied by Scotland itſelf, in the weakneſs of its government, and its inteſtine diviſions. The Lord of the Iſles was acknowledged, as uſual, the ally of England; and he viſited that kingdom with his brother John, and a retinue of a hundred horſe [8]. Political knowledge muſt have been very confined in a country which permitted this conſtant mortification; for if the neceſſary naval force could not be procured to conſtrain, yet art and induſtry might have invited allegiance. The Earl of March, enraged by a violent affront from the Scotiſh government, the circumſtances of which will appear with more connexion and advantage in a ſucceeding part of the narration, was preparing to throw himſelf into the arms of England, a country to which ſituation, and intereſt, had always too much attached his family [9].

1399

1400

[7] Rymer, VIII, 125. To avoid a parliament, and taxes, dangerous in a new uſurpation, the lords ſpiritual and [redacted] aſſeſſed themſelves. The engagement of the earl of Rutland is preſerved, Veſp. F. VII, f. 72: he is to furniſh 60 men at arms for three months, himſelf and 16 knights, the remainder ſquires. All who had offices, or penſions, were to ſerve, except queen Iſabel's ſervants. Ib. f. 73, n. 1. The royal jewels were pawned, Veſp. F. VII, f. 91. ſecurity was granted to London for money, f. 92, n. 1. The Cheſhire rebels were pardoned on condition of ſervice, f. 92. n. 2.

[8] Rymer, VIII, 146, 2 June. Yet, in March, Douglas herald had been ſent by Robert to propoſe an accommodation. Veſp. F. VII, f. 77. n. 2.

[9] The firſt letter of March to Henry, offering his allegiance, is dated Dunbar 18 Feb. Veſp. F. VII, f. 22.

Some-

1400 Some Scotiſh ſhips, under the command of Sir Robert Logan, were taken by the Engliſh. This admiral had boaſted that he would deſtroy the Engliſh fleets, and eſpecially that employed in fiſhing near Aberdeen: but the event was otherwiſe: and the Engliſh ſhips ravaged ſome of the Orkneys, then held of the crown of Norway by a Scotiſh earl [1]. It is ſurprizing that a country ſo well adapted for maritim power as Scotland, ſhould have neglected that ſtrong engine of defenſive or offenſive war, a powerful navy, while the kings of Denmark and Sweden, whoſe reſources were little ſuperior, had numerous fleets.

Henry IV at length determined, by the moſt vigorous meaſures, to render the commencement of his reign illuſtrious, in the eye of his ſubjects, and dreadful to his foes. He reſolved upon a perſonal invaſion of Scotland, being the laſt to be performed by an Engliſh monarch. It is aſſerted that his chief irritation to this project aroſe from ſome intercepted letters, from the Scotiſh governor the duke of Albany to France, in which Henry was branded with the appellation of a preeminent traitor; and an inſult muſt wound deeply, when ſharpened by malice and truth [2]. The prudence of Henry had ſufficiently weighed the ſituations of Scotland and of France, before he
9 June ventured to try his new power in this expedition. He ſummoned the whole milit[illegible] force of England to meet him at
18 June York: and, to ſave a[illegible]rances with France, he ordered protection to her ſhips, and to thoſe of all countries, except
25 July Scotland [3]. Arriving at Newcaſtle, he admitted March to his homage and fealty, and granted a penſion to his wife and heirs [4]. The proud uſurper then fulminated a letter to the

[1] Walſ. 405. The captors of Logan's veſſels were of Lynn; "per viros de Lennia."

[2] Bowar, 430. [3] Rymer, VIII, 146, 147. [4] Ibid. 153.

Scotiſh

Scotiſh king, and another to the prelates and nobles, commanding them to meet him at Edinburgh, by the twenty third day of Auguſt, to pay homage to their lord paramount. In theſe letters the whole fabulous claim of the firſt Edward is revived, and deducted with great faith from old Locrinus [5]. A pitiful ballad, which has reached our times, ſeems to have been the only, and proper, anſwer of the Scots to this demand [6]. Revenge for the inſult which he had received from the Scotiſh government muſt have incited Henry to ſuch an arrogant manifeſto; for his prudence is too firmly eſtabliſhed, to permit a belief that he entertained views of effectually ſubduing Scotland. 1400

The Engliſh army entered that kingdom, while a powerful fleet coaſted along with proviſions [7]. After celebrating the Aſcenſion of the Virgin at Hadington, Henry marched to Leith, where he remained three days, and made repeated aſſaults on the caſtle of Edinburgh, which was bravely defended by the Duke of Rothſay, attended by the Earl of Douglas, and many noblemen and gentlemen of the ſouthern part of Scotland. Mean time the Duke of Albany had collected a copious army, and advanced to Caldermoor in Eaſt Lothian. A ſingular intercourſe took place between the Engliſh king, and the Dukes of Rothſay, and Albany. Rothſay ſent a meſſage to the invader, that his pretenſions to the Scotiſh crown might occaſion the effuſion of much chriſtian blood, which to prevent, he was willing to ſettle the diſpute by a 14 Aug.

[5] Rymer, VIII, 155.

[6] It is preſerved in the Maitland MS. Pepyſian Lib. Cambridge, and is called the Ring (reign) of the Roy Robert, from the firſt line. It was written by a dean named David Steel: and is printed, but incorrectly, by Watſon, in his collection of Scotiſh poetry, Edin. 1709, 8vo. Part II, p. iii.

[7] An order to Lynn for ſhips, 12 July, r. 1. occurs, Veſp. F. VII, f. 64. n. 2.

 combat

1400 combat of one, two, or three nobles, againſt an equal number of the Engliſh. Henry parried this amiable ſally of youthful vivacity by a piece of wit; anſwering, that he was ſurprized that Rothſay, who ſhewed ſuch averſion to ſhed chriſtian blood, ſhould propoſe a combat of the nobles, whoſe blood was certainly chriſtian. Albany, on his ſide, ſent a letter promiſing that, if Henry would keep his ſtation for ſix days, he ſhould give him battle, and either die in the field, or force him to raiſe the ſiege. The Engliſh monarch, with his uſual ſpirit, gave his royal word that he ſhould await the term mentioned; and to teſtify his pleaſure at the tidings he preſented to the herald his upper garment, and a chain of gold. Albany however did not fulfil his rhodomontade; but keeped aloof, and left his nephew in imminent danger of death, or captivity [s].

Henry's lenity and moderation, during the whole of this expedition, were remarkable, and ſufficiently contraſt his character with that of Richard II; whoſe outrage proclaims his weakneſs; while this invaſion ſhewed that cruelty and deſtruction are ſeldom the companions of courage and wiſdom. To the towns, villages, monaſteries, and even fortreſſes, which ſubmitted, he inſtantly ſent a banner, painted with his arms, to be diſplayed as the fixed ſignal that none of his army ſhould approach them. And when two Canons of Holyroodhouſe came into his preſence at Leith, to requeſt the preſervation of their monaſtery, he anſwered with great affability, "Far be from my arms the diſgrace of moleſting any holy church, and eſpecially your's, in which my father, the duke of Lancaſter, found a refuge. I am myſelf half a Scotiſhman, being a Comyn by

[s] Walſingham, p. 405, is very brief. Compare Bowar, 430, Winton, 880, Rymer, VIII, 157, 158. But Albany's meſſage ſeems to reſt with Echard: and Abercromby, II, 215, falſely quotes Buchanan. Yet ſee here Oct. 1402.

maternal

maternal deſcent; and I call God to witneſs that nothing 1400
but groſs provocation could have brought me here as a foe. But there are in your government people who write letters in a ſingular ſtyle: and my intention is little to injure the country, but to ſee if the writer dare to maintain his words, by meeting in battle him whom he terms a traitor." Finding that Albany declined an engagement, and not thinking the caſtle of Edinburgh an object worthy of longer delay, or deſpairing of taking that fortreſs; perhaps even unwilling to expoſe to the chance of deſtruction a place which had afforded an aſylum to his father; Henry raiſed the ſiege, and withdrew his army into England[9]. It is not improbable, at the ſame time, that a failure of proviſion, and the rumoured inſurrection of Owen Glendour in Wales, afforded ſtrong arguments for this retreat.

But if it be difficult to account for the motives of Henry, what are we to think of thoſe of Albany upon this occaſion? At the head of a numerous army, he was the idle ſpectator of a triumphant enemy in the heart of his country; and beheld with indifference the danger of the heir apparent, whoſe ranſom muſt have coſt the nation an immenſe ſum. The prudence of declining a battle with the force of England, conducted by the monarch, ſeems to have been fully eſtabliſhed in Scotiſh politics, by the latter maxims of Robert I: and the modern axiom, that battles are the iſſue of ignorance, and that a weak general fights when he knows not what to do, was apparently not unknown in former times. So much may be offered in Albany's vindication. But the character of this man will ſoon develope all its blackneſs; and the conſiſtency of wicked ambition muſt force us to infer that, to ſuch a mind, baſe motives

[9] Bowar, 436. Winton, 881, mentions the deſtruction of the houſe of Dalhouſie, as the ſole ravage of Henry's arms.

1400 muſt be the moſt effectual. Our ancient accounts aſcribe Albany's conduct to a previous enmity with Rothſay [1]; and it is probable that this gallant youth, conſcious of his birth and expected royalty, ſaw with impatience his father, his king, his country, under ſuch mean controul. Apparently a coward, certainly unknown in war, Albany might from baſeneſs decline the combat with a bold and capable monarch; and from yet greater baſeneſs might have exulted to ſee, in the capture or death of Rothſay, the ſecurity, the prolongation, of his regency.

Some events, which preceded the Engliſh invaſion, have been reſerved to this place, in order to preſent a clear and connected account of internal tranſactions in Scotland, intereſting and important in an eminent degree. The King's infirmities increaſed with his age, and the Duke of Albany muſt be regarded as the chief agent, in affairs, which, from the monarch's reſidence on diſtant parental eſtates, ſometimes hardly reached the royal ear, except by the voice of the nation. It is to be regreted that the meagreneſs of our annals ſeldom permits a near acquaintance with hiſtorical characters, till the reign of the firſt James. Suſpended in the darkneſs of ignorance, and the diſtance of time, the portraits rarely appear diſtinct, except when enlightened by the ſplendor of the diadem. Hence ariſes a barrenneſs in an intereſting province of hiſtory, the varied and ſtrong delineation of character, ſo neceſſary to form juſt and complete ideas of important events.

The Duke of Rothſay had now attained his twenty ſecond year; and his mental features nearly reſemble thoſe of the prince of Wales his contemporary. That warm effervescence of vigorous youth, which tamed by reaſon, experience, and

[1] Bowar, 430.

time,

time, affords mature materials of a firm and ſpirited character, 1400
had led him into ſome exceſſes, eſpecially of the amorous kind, which afforded pretexts of conſtraint from his uncle the governor, and of reproof from his royal parents. A fondneſs for riotous paſtime and arch roguery were alſo laid to the prince's charge; who, to candid eyes, ſufficiently compenſated theſe youthful and trivial defects by his good qualities. Endued with a comely perſon, an honeſt heart, an able head, a moſt ſweet and affable temper, and even deeply tinctured with learning for that century, his virtues, and not his vices, attracted the regent's enmity [a].

Robert III only knew his own ſon from the malicious reports of Albany; but the queen Annabella, formerly famed for beauty, and ſtill for ſenſe, ſpirit, and generoſity, was not the dupe of ſuch practices, and appears to have ſuggeſted the marriage of the prince, as a proper and uſual expedient to overcome his wildneſs, by the ſweetneſs of lawful love, and domeſtic ties. This project muſt have alarmed Albany, and he employed every reſource of little cunning to defeat it, while he did not dare a public oppoſition. To bring the ſcheme into contempt, to gratify his own avarice, to ſow diſſentions and obſtacles, to procure delay and perhaps abandonment, he held up the marriage of his prince to ſale among the peers of Scotland, inſtead of demanding a foreign princeſs, whoſe connexions might have aided her huſband, and have overturned

[a] Bowar, 431. The character of Rothſay is chiefly from Winton, 886.
Our lord the kingis eldeſt ſone,
Sueite and vertuoſe, young and fair,
And his nerreſt lauchful air;
Honeſt, abill, and awenand,
Our lord, our prince, in all pleſand,
Connand into literature,
A ſemely perſoun in ſtature.

the

1400 the regent's ambitious plans. The Earl of March, a friend of Albany, was the higheſt bidder; and having paid a large ſum, his daughter Elizabeth was affianced to Rothſay. But at the inſtigation of the king's council, the Earl of Douglas, Archibald the Grim, offered a larger ſum, which was alſo received; and the regent not daring to trifle with that illuſtrious family, the prince actually married Marjory, the daughter of Douglas, at Bothwell [3].

The only excuſe offered to March was, that the conſent of the three eſtates had not been procured to the marriage; and as no meeting of parliament is mentioned, it is to be preſumed that in this rude age the king's council, conſiſting of members clerical, noble, and common, was regarded as repreſenting the three eſtates, when inconvenient to ſummon that formidable body. Nay the repayment of the ſum advanced was refuſed, or delayed; and March, burning with indignation, procured a ſafe conduct from the king of England, and retired to that country, leaving his caſtle of Dunbar in the cuſtody of Sir Robert Maitland [4]. After the retreat of Henry an army was

[3] Bowar, 428.

[4] The firſt letter of March to Henry, as above mentioned, is dated Dunbar, 18 Feb. It ſtates that he is greatly wronged by Rothſay, who eſpouſed his daughter, and though bound by his letter and ſeal, is about to marry another: the earl requeſts help as the kinſman of Henry, Alice de Beaumont being *gud-dame* (grand-mother) of Henry, and Marjory Comyn her full ſiſter, *gud-dame* of March. He offers his own allegiance, and that of his vaſſals: deſires that lord Furneval, or Weſtmoreland, be ſent to confer with him; and a ſafe conduct for himſelf and 100 followers. After apologizing for writing in Engliſh, as he underſtands that ſpeech better than latin or French, he ſigns in French, "Le Count de la Marche d'Eſcoce." Veſp. E. VII, f. 22. Furneval was ſent, ib. f. 39, n. 2. On the 13th of March Weſtmoreland was commiſſioned to enquire the determination of the Scotiſh earl. Ib. f. 78. But the preciſe date of March's retreat into England is not apparent; though it ſeems that he remained in Scotland till he met Henry at Newcaſtle on the 25th of July. See Redpath, 369.

raiſed

raiſed to beſiege that important fortreſs, which if betrayed to the Engliſh, might have afforded a dangerous poſt to the enemy; and Robert III himſelf appeared as general: but, before he reached Dunbar, Maitland was intimidated and yielded the caſtle to the ſon of Douglas[5]. If the Scotiſh king had no opportunity to ſhew his martial talents, he at leaſt evinced his goodneſs and juſtice in this expedition. After waiting at Hadington three days, till various reinforcements arrived, the army prepared to march, the trumpets ſounded, and the king's foot was in the ſtirrup to mount his horſe, when a poor butcher begged an audience. The complaint was againſt an officer of the royal houſhold, who had not paid for the meats ordered: the monarch heard the claim affably and patiently, and ſent for the officer; who not being found he paid the ſum himſelf. He then ordered a proclamation at the market croſs that all debts due by his attendants ſhould be inſtantly demanded and paid; and in future always obſerved this cuſtom on leaving any place; an uſeful example to his ſubjects, in an age when different ſtatutes were required to enforce a like practice in the nobles. The people upon this occaſion remembered with pleaſure his ſimilar conduct at his coronation, when he ordered payment to the monaſtery of Scone, for the growing corn trodden under foot by the multitude[6]. Such matters are often eſteemed beneath the dignity of hiſtory; but far be that pride which would prevent a good action to the meaneſt of mankind, or its commemoration; and if this hiſtoric dignity be inimical to amiable views of manners, and to humanity, it is rather an object of ſcorn than of admiration. 1400

Though, in November and December, ſome conferences between the Engliſh and Scotiſh commiſſioners had been held, 1401

[5] Bowar, 429. [6] Bowar, 418, 419.

only

1401 only truces of a few weeks had been adjuſted[7]; and the war ſoon reſumed its depredations. Henry's demands were exorbitant, as he had been irritated by Robert's neglect, and by being treated as an uſurper. The Engliſh monarch inſtructed his commiſſioners to require the homage of Scotland; if refuſed, an annuity, or lands, were held out as temptations to Robert: ſhould this pretenſion prove fruitleſs, a marriage treaty between their families was to be propoſed, or at leaſt a truce of thirty years[8]: all theſe terms were rendered nugatory by the Scotiſh alliance with France.

Robert in vain demanded that March ſhould be delivered up: and that earl required the reſtitution of his eſtates with as little ſucceſs. Henry IV knew from experience the value of a traitor, and extended to March, his friends and followers, the warmeſt protection. Eager to wipe off the ſtain of his captivity, Henry Percy joined March, who was inflamed with revenge, and anxious to evince his importance by his ſervices;
3 Feb. and they entered Scotland, at the head of two thouſand choſen men. Piercing by Peebles to Linton, they aſſaulted without ſucceſs the caſtle of Hales, burned three villages, and encamped at Preſton. But the ſon of the Earl of Douglas, advancing from Edinburgh againſt them, with a body of his followers, they made a precipitate retreat, leaving their ſpoils, and tents, and prepared proviſions. The Scots purſued them a whole dreary night of that ſeaſon of the year, and captured many at Colbrand's-path, the reſt eſcaping to Berwick; at the very gates of which town the lance, and pennon, of the lord Thomas Talbot were taken[9]. The heir of Douglas a few

[7] Rymer, VIII, 166, 185.

[8] Inſtructions Veſp. F. VII, f. 83, 85, n. 1, written, from intrinſic evidence, after Henry's return.

[9] Bowar, 429.

months

months after wore the brilliant coronet of that houſe, upon the death of his father Archibald, ſurnamed the Grim, a peer recommended to fame by his wiſdom, as much as by his hereditary valour [1]. 1401

This year forms an epoch in the hiſtory of Scotiſh legiſlation, the more important, as, after the various laws of Robert II, no further intelligence ariſes, till the luminous period commences with the ſtatutes of James I.

The ordinances paſſed in a parliament held at Scone are numerous [2]. Many concern private property, then in an obſcure and precarious condition, under the feudal oppreſſion, and rapacity of the great: but the following chiefly deſerve hiſtorical commemoration. It was decreed that the king's lieutenant-general the Earl of Fife, and other royal miniſters, ſhould hear the cauſes of churchmen, widows, orphans, and minors, without taking ſureties, and judge without delay: that, during the papal ſchiſm, any excommunicated perſon might appeal to the conſervator of the church, and after- 21 Feb.

[1] Bowar, 429.

Theſe events have been dated 1400 by our hiſtorians, miſled by Bowar's inattention to the commencement of the year; but the preceding narrative, and notes, evince them to belong to 1401. Redpath, 369, ſhews little acumen in not being able to ſolve ſo ſlender a perplexity.

In 1401 Northumberland and his ſon demanded 1000 marks from Henry, for an inroad, Veſp. F. VII, f. 70, probably this: from this letter it alſo appears that they had 3000*l.* a year for the wardenſhip of Berwick, and the eaſt marches; and 1500*l.* for that of Carliſle and the weſt. On the 28th June 1401, the manor of Clippeſton was granted to March by the Engliſh king. Rymer, VIII, 205.

[2] Theſe laws are publiſhed by Skene, in his collection known by the name of Regiam Majeſtatem, from the firſt words of a treatiſe prefixt. They were extant in the Regiſter in his time, as he mentions in his tract De Verborum Significatione; and their authenticity is unqueſtioned. See alſo MS. Harley, 4700. The date is accurately marked in that MS. and by Skene.

1401 wards to the general congregation of the clergy; that the duel ſhould only be permitted in four caſes, the crime muſt infer death, it muſt be ſecretly deſigned or perpetrated, the ſuſpicions muſt bear verifimilitude, and the truth was not to be diſcovered by witneſſes or writings. Among the cauſes why gifts are revocable, are claſſed the arts of monks in perſuading the laity to donations. Uſury, or intereſt, is not to be allowed againſt a minor, who is only to pay the principal. As a check on the ſheriffs, their clerks are to be appointed by the king, and only amenable to him, to prevent any connivance in injuſtice. The juſticiary courts are to be held twice in the year, on either ſide of the Forth: the coroner is empowered to arreſt perſons indicted: the lords of regalities, ſheriffs, and barons, are to hold their journies of juſtice twice in the year, and abbreviate the terms of appearance: the king's juſticiary may remove ſheriffs, or other royal officers in caſe of default, till the ſitting of the next parliament, which is to judge the cauſe; a ſingular ſtatute, confounding the legiſlative and executive powers. "To prevent the great and horrible ravages, depredations, fires, and homicides, which are daily committed in every part of the kingdom, it is ordained that all the ſheriffs in the realm make public proclamations, that no perſon travelling ſhall be allowed more attendants than thoſe whoſe maintenance he defrays." Ravagers, depredators, incendiaries, robbers, murderers, are to be puniſhed by death and confiſcation. The ſheriff ſhall arreſt malefactors, and take bail for their appearance at the next journey of juſtice, or circuit; their nonappearance infers rebellion, and forfeiture of the bail; if no bail be found, they are at once to be tried by an aſſize, and if found guilty forfeit their lives; if they flee from one ſheriffdom to another, the firſt ſheriff is to ſend a precept to the ſecond for their deliverance to trial; a ſimilar procedure is

to

to be uſed to lords, and officers of regalities, and all lieges are to aſſiſt. Among the more minute ſtatutes, may be named, that allowing the lieges to purchaſe victuals where they pleaſe, on paying the cuſtoms; that againſt burning the heath of moors in ſummer, or autumn, when the corn might be damaged; thoſe againſt the killing of ſalmon, or hares, at prohibited ſeaſons; that which orders farmers, who rent lands for a term, not to alienate the leaſe for a term exceeding the agreement. Theſe laws, like the ruins of an ancient hall of juſtice, inſpire reverence from their priſtine majeſty, and utility; and will intereſt the philoſophic reader, as reliques of the progreſs of ſociety, and of the hiſtory of man. 1401

The effects of March's vengeance have already been narrated; but a ſcene of a blacker and more deplorable kind is now to open, in the murder of the Duke of Rothſay. The power and ſenſe of the queen, the gravity of Traill biſhop of St. Andrews, a chief promoter of concord, the valour and wiſdom of the firſt Archibald Earl of Douglas, had balanced the ambition of Albany, but theſe three ſupporters of the monarchy died within a ſhort period[1], and the governor's paſſions had no longer any controul, ſave from Rothſay's merit, and juſt pretenſions. Archibald the ſecond Earl of Douglas of that name, born to adorn that family by his valour, but to diſgrace it by his conduct, was married to the elder daughter of Robert III, as his father had eſpouſed a daughter of the preceding king. Thus doubly connected with the royal family, he ſeems to have regarded Rothſay, who had wedded his ſiſter, not with fraternal affection, but with the malevolent eyes of a rival in ambition. Joined in ſtrict friendſhip with

[1] The fourth peſtilence which had ravaged Scotland appeared in 1401; but it appears not that any of theſe great perſons fell a victim to it. Winton, 884.

1401 Albany, and his ſecond ſon John afterwards Earl of Buchan; and miſled by their offers, or by a pique at Rothſay, he ſhared their
1402 deteſtable ſchemes. The young prince had been married about two years, but had no children; and perhaps hating the wife forced upon him by his uncle's avarice, he purſued his former courſes. Albany, on pretence of reſtraining his wildneſs, had ſet a band of his partiſans to watch his conduct; and now that the occaſion opened the regent gave the hint, and this band repreſented to the king that his ſon would no longer bear counſel, nor reſtraint. Indeed this impudent plan of Albany, this council of guardians appointed to watch a man of ſenſe and ſpirit, and that man the heir of royalty, was a certain mode to irritate and inflame youthful paſſions, but never could tend to moderate their influence. The decrepit and infirm monarch was, as uſual, diſtant from the public ſcene, and guided by thoſe around him; among whom was now unhappily one Ramorgny, a knight who had formerly ſuggeſted to Rothſay the aſſaſſination of Albany, but the generous nature of the prince had rejected the propoſal with horror and indignation. A ſucceſsful criminal may be honoured; but a crime offered, and refuſed, expoſes the character to certain hatred and contempt; and it is not matter of wonder that Ramorgny became in his turn the bitter enemy of Rothſay. At his ſuggeſtion, which may be conſtrued that of Albany, Robert ſent a written order to the regent, to arreſt his ſon, and confine him for a ſhort time, in order to ſubdue his ſtubborn ſpirit; forgetful of the certain diſgrace which the confinement of the heir apparent muſt entail on his reign, perhaps on the future; forgetful of the ſtain on the ſucceſſion, and danger of conſequent diſaffection in the ſubjects; forgetful how ſhort a path leads a prince from the priſon to the grave.

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The royal mandate was born by Ramorgny and by another enemy of Rothſay, Sir William Lindſay, whoſe ſiſter Euphemia had alſo been affianced to the prince, and rejected[4]. From theſe circumſtances it may be perceived that the ſcheme was laid, and conducted with all the deep and dark art of conſummate villainy. Albany, receiving the order with joy, reſolved on its immediate enforcement, and that the bearers ſhould be the executors. Privacy was neceſſary; and Rothſay was inveigled into Fife, upon pretence that he ſhould take poſſeſſion for the king of the caſtle of St. Andrews, till the appointment of another biſhop. When the unſuſpecting prince was riding with a ſmall attendance, between Nydie and Straburn, near St. Andrews, he was ſeized, and held a priſoner in the caſtle, till the governor and his council, aſſembled at Culros, ſhould determine the place of his confinement. The tower of Falkland was named; and thither Albany and Douglas, with a ſtrong band of followers, conducted the prince, ſeated on a labouring horſe, and covered with a ruſſet cloke, to defend him from the falling rain. Here under the cuſtody of John Selkirk, and John Wright, two aſſaſſins employed by Albany, the moſt cruel of deaths, that of famine, awaited the heir of the monarchy: and he was buried in a private manner at Lindoris, diſtant from the tombs of the Scotiſh kings, or thoſe of his family, the conſpirators not daring, by a funereal pomp, to awaken the attention and detection of the people[5].

1402

Eaſter 26 Mar.

[4] Bowar, 432.

[5] Bowar, 431, 432. Winton, 886, writing in Fife, the earldom of Albany, and under his regency, conceals all the circumſtances, and only mentions the death and burial of David. Buchanan, X, 10, ſays a woman ſupplied the unfortunate prince with thin cakes of barley, while another gave him milk from her breaſts: but they were detected and removed. The tale ſeems from Boyce, f. v. 350, who adds that the prince devoured his own fingers, in famine and deſpair.

A great

1402 A great ſecurity to crimes ariſes from the good nature of honeſty, which believes their commiſſion impoſſible; and as Albany had conducted his horrible plot with great ſkill, and gave out that his nephew had unexpectedly died of a dyſentery; and for the impriſonment there was the king's poſitive mandate; it is no wonder that the nation was beguiled. To ſecure and to continue his regency, it was however proper that every
16 May doubt ſhould be cleared, and a parliament was called and met at Edinburgh, an aſſembly which the long government of Albany had ſufficiently taught him how to chuſe, and influence. In a mock examination Albany and Douglas confeſſed the impriſonment, but imputed the death to divine providence. A remiſſion was however thought neceſſary; and was given
20 May by the infirm ſovereign in terms as ample, as if they had murdered the heir apparent. In this pardon, which is extant, the confinement of the prince is aſcribed to the cauſe of public utility; but the immediate motives of the perpetrators are expreſsly ſaid to be concealed for a ſufficient reaſon[6]. Does this ſingular declaration refer to the king's mandate, which might in the vulgar eye have appeared a conſent to the death of his ſon; or to ſome crime falſely imputed to Rothſay by the conſpirators, as for example a deſign to murder his father, or uncle? This is dark: but it is certain that folly and wickedneſs are companions, and that the means uſed by Albany to clear his character are preciſely thoſe which fully eſtabliſh his guilt.

To divert the public attention, it was reſolved to continue the war with England, which had been interrupted by a ſhort

[6] This curious paper is preſerved in the 4to Regiſter often quoted, f. v. 12, whence it was publiſhed by Sir David Dalrymple, Remarks, p. 278.

truce,

truce, and ſome negotiations for peace [7]. A fair pretext aroſe from the incurſions of March and his adherents, that earl and his ſon being penſioned by the Engliſh king, for the maintenance of a ſmall body of troops during the Scotiſh hoſtilities. By the advice and ſupport of the young earl of Douglas, then reſident at Dunbar, the chief landholders of Lothian agreed to conduct ſeparate expeditions into England, becauſe the people of the Merſe favoured the exiled earl, and did not exert their uſual inroads. The leader of the firſt incurſion was John Haliburton of Dirlton, who advanced a conſiderable way into the inimical country, carrying fire and ravage in his progreſs, and returned with ſucceſs and ſpoil. But the ſecond, conducted by Patrick Hepburn of Hales, met with a different fate; for having advanced too far into England, and remained too long, the Earl of March found time to unite the power of Northumberland with his own, and to intercept Hepburn and his followers in their return, at Weſt-Niſbet in the Merſe, three miles ſouth of Duns. An obſtinate conflict enſued, rather favourable to the Scots, till the ſon of March arrived

1402

22 June

[7] In Veſp. F. VII, f. 118, is a letter from Douglas to Henry, dated Edybredſchellis, 1 Feb. and ſigned "Le Conte de Douglas, Seigneur de Galway et de Dunbar:" and Henry's anſwer 27 Feb. occurs f. 84. From theſe letters it appears that on the 16th May 1401, (ſee in Rymer, VIII, 190, a truce of 26th April 1401) Douglas and Northumberland had met at Camelſpath, and agreed to a truce of a year to Martinmas 1402: Douglas complains that Northumberland does not obſerve the treaty. Henry in return blames Douglas for burning Bamborough; yet promiſes to ſend commiſſioners. The tranſactions of the various years, the title of Dunbar, &c. ſhew theſe letters to have been written in 1402.

Yet on the 20th Sept. r. 2=1401, Henry had iſſued inſtructions to demand homage of Scotland, admitting however that if there were no evidence, the claims ought to be abandoned, and a treaty of thirty years propoſed, England retaining Berwick, Roxburgh, and Jedburgh. Veſp. F. VII, f. 83.

with

1402 with a freſh reinforcement, when victory declared for the Engliſh. The Scotiſh leader was ſlain, with ſeveral other gentlemen, and the flower of the youth of Lothian; many were mortally wounded; and John and Thomas Haliburtons, John and William Cockburns, Lauder of Baſs, and many others remained captives [s].

Douglas, ſtung with regret for the loſs of his brave friends and countrymen, and inflamed with rage againſt March, his particular enemy, immediately applied to Albany for a body of troops, to be added to his own power upon an expedition into England. The governor conſented, and diſpatched a conſiderable force under Murdac his eldeſt ſon; the earls of Angus and Moray alſo joined Douglas, who entered England with an army of ten thouſand men, carrying terror and devaſtation to the walls of Newcaſtle. Henry IV was now engaged in the Welch war againſt Owen Glendour; but the earl of Northumberland, and his ſon the Hotſpur Percy, with the earl of March, collected a numerous array; and awaited the return of the Scots, impeded with ſpoil, near Milfield, in the northern part of Northumberland. Douglas had reached Wooler, in his return; and perceiving the enemy, ſeized a ſtrong poſt between the two armies, called Homildon hill. In this method he rivalled his predeceſſor at the battle of
14 Sept. Otterburn, but not with like ſucceſs. The Engliſh advanced

[s] Bowar, 432, 433. The ſpot was afterwards called Slaughter Hill. Hume Dougl. I, 218. An original letter from Henry to his council, dated *Hareburgh*, 30 June, is extant, Veſp. F. VII, f. 18. He informs them that the ſon of March, with 200 ſoldiers of Berwick, had defeated 400 Scots; and, among 240 taken and ſlain, are John Haliburton and three other knights captives; while Sir Patrick Hepburn fell. He adds that 12,000 Scots had ravaged the country around Carliſle, and intended another invaſion, ſo the neceſſary directions for defence muſt be iſſued. Northumberland, and his ſon, appear, from this letter, to have been high in Henry's favour.

to

to the aſſault, and Henry Percy was about to lead them up the hill, when March caught his bridle, and adviſed him to advance no further, but to pour the dreadful ſhower of Engliſh arrows into the enemy. This advice was followed with the uſual fortune; for in all ages the bow was the Engliſh inſtrument of victory, and though the Scots, and perhaps the French, were ſuperior in the uſe of the ſpear, yet this weapon was uſeleſs after the diſtant bow had decided the combat. Robert the Great, ſenſible of this, at the battle of Banocburn ordered a prepared detachment of cavalry, to ruſh among the Engliſh archers at the commencement, totally to diſperſe them, and ſtop the deadly effuſion. But Douglas now uſed no ſuch precaution; and the conſequence was that his people, drawn up on the face of a hill, preſented one general mark to the enemy, none of whoſe arrows deſcended in vain. The Scots fell without fight, and unrevenged, till a ſpirited knight, Swinton, exclaimed aloud, "O my brave countrymen! what faſcination has ſeized you to-day that you ſtand like deer to be ſhot, inſtead of indulging your antient courage, and meeting your enemies hand to hand? Let thoſe who will, deſcend with me, that we may gain victory, or life, or fall like men." This being heard by Adam Gordon, between whom and Swinton there exiſted an antient and deadly feud, attended with the mutual ſlaughter of many followers, he inſtantly fell on his knees before Swinton, begged his pardon; and deſired to be dubbed a knight by him whom he muſt now regard as the wiſeſt, and boldeſt of that order in Britain. The ceremony performed, Swinton and Gordon deſcended the hill, accompanied only by one hundred men; and a deſperate valour led the whole body to death. Had a ſimilar ſpirit been ſhown by the Scotiſh army, it is probable that the event of the day would have been different. Douglas, who was certainly deficient in the moſt 1402

1402 important qualities of a general, ſeeing his army begin to diſperſe, at length attempted to deſcend the hill; but the Engliſh archers, retiring a little, ſent a flight of arrows ſo ſharp and ſtrong that no armour could withſtand; and the Scotiſh leader himſelf, whoſe panoply was of remarkable temper, fell under five wounds, though not mortal. The Engliſh men of arms, knights or ſquires, did not ſtrike one blow, but remained ſpectators of the rout, which was now complete. Great numbers of the Scots were ſlain, and near five hundred periſhed in the river Tweed upon their flight. Among the illuſtrious captives were Douglas, whoſe chief wound deprived him of an eye; Murdac ſon of Albany; the Earls of Moray, and Angus; and about twenty four gentlemen of eminent rank and power. The chief ſlain were Swinton, Gordon, Livingſton of Calendar, Ramſay of Dalhouſie, Walter Sinclair, Roger Gordon, Walter Scot, and others. Such was the iſſue of the unfortunate battle of Homildon [9].

Henry Percy diſgraced the victory by an act of cruelty. Among the captives was Sir William Stuart of Foreſt; and Percy inſiſted that he, being a native of Tividale when under

[9] Bowar, 433—435. Winton, 886—888. Walſ. 407, 408. Otterburn, 236. Walſingham gives a ſtrange idea of the force of the Engliſh arrows, "ut ipſos armatos omnino penetrarent, caſſides terebrarent, *gladios perforarent*, lanceas funderent." He brands Sir John Swinton, as "infidus utrique regi." Hall in deſcribing this battle, f. v. 17, ſays not unpoetically, "the bright beam of victory ſhone on Sainct George's croſs." Biſhop Percy, who inſpected the ſpot, informed the author that there is a ſudden *ſcar*, or little precipice, on the ſide of the hill which the Scots deſcended, and which, being unperceived by them, contributed much to their confuſion and rout.

The anonymous hiſtorian of Le Laboureur ſays I, 453, that Percy had only 1500 cavalry, and 3000 archers. Pierre des Eſſars a French knight was taken, for whoſe ranſom, and that of Douglas, a *benevolence* was raiſed in France. See alſo Des Urſins, p. 148.

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the Engliſh power, ſhould be regarded as a traitor. Stuart, 1402
a man of wiſdom and eloquence, defended himſelf ſo well
that he was acquitted by three ſucceſſive juries; but the malice of Percy led him to appoint a new jury of his followers, and Stuart was drawn and quartered, amidſt the murmurs of the Engliſh, who knew that his merit was the only cauſe of his death [1].

Henry IV, on receiving intelligence of the battle of Homildon, deſired the Percies not to ranſom, nor deliver, their priſoners, without his conſent: and, to palliate this apparently harſh mandate, he generouſly granted the earldom of Douglas, with Eſkdale, Lidſdale, Lauderdale, the lordſhip of Selkirk, foreſt of Ettrick, county of Tividale, and all the other appendages of that high houſe, to the Earl of Northumberland; who ſmiled at this liberal gift of a country, neither conquered, nor likely to be an object of eaſy ſeizure [2]. But the Percies reſolved to take the king in his own ſnare, and to make this conqueſt the pretended object of arms, inſtantly to be turned againſt the granter. Meantime Murdac, the regent's ſon, ſometimes termed Earl of Fife, and ſome other priſoners were ſent to Henry, and were preſented in full parliament. 20 Oct.
Sir Adam Foreſter, one of theſe captives, made a ſpeech before that great audience, which would have been wiſer if better timed, repreſenting the advantages of ſolid and durable peace between the nations; but Henry checked the oration, becauſe Foreſter had formerly deceived him, concerning

[1] Bowar, 434. Winton, 887; who adds that a ſquire, named Thomas Ker, was tried with Stuart, for the ſame alledged offence, and condemned in the ſame illegal way. Their quarters were expoſed on the gates of York, an atrocity ſoon retaliated on Percy himſelf, as Winton obſerves, p. 888.

[2] Rymer, VIII, 278, 289.

1402 Albany's intentions to fight, at the ſiege of Edinburgh caſtle[3]. The heir of Albany was freed, upon his word of honour not to withdraw from England; the inferior priſoners were committed to an eaſy confinement. The earl of March requeſted the parliament, that he might be reſtored to his lands in proportion as ſubdued by the Engliſh, and that ſuch of his people as choſe to obſerve allegiance to England ſhould be received; all which was willingly granted, but it was inſiſted that his people ſhould take an oath of fidelity[4].

1403 An incident occurred, which contributes to paint the features of the times and of the government. Sir Malcom Drummond, brother of the late queen, had been married for ſome years to Iſabella, in her own right counteſs of Mar. He was ſuddenly ſurprized in his caſtle by a band of ruffians, and impriſoned till he died of his hard captivity. In the next year, a decent term having expired, Alexander Stuart, natural ſon of Alexander the deceaſed earl of Buchan, brother of Albany, forced the counteſs to wed him; and as he was a noted leader of the highland freebooters there is no room to doubt that he had been the murderer of her huſband, in order to attain this wealthy marriage. Theſe unworthy deeds were ſanctioned by the government; the king's name being boldly ſet, by the regent, to a charter confirming the earldom to a lawleſs intruder[5]. Thus every inſult, and every crime, ſeem to have been crouded by Albany, his younger brothers and adherents, that could contribute to the depreſſion and deſtruction of the king's family and connexions.

[3] Parl. Hiſt. II, 71, 72; London 1751, 19 vols. 8vo.

[4] The commons recommended him to the king. Walſ. 238.

[5] Winton, 888, 889. Sir D. Dalrymple Sutherland Caſe, Ch. V, p. 45. Record of Charters, B. 7, n. 257.

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The Earl of Northumberland, and his ſon, were now intent upon open rebellion againſt Henry IV; and to colour the raiſing of their troops, and gain time for adding freſh muſters, it was reſolved to make a ſhort incurſion into Scotland, on pretence of rendering effectual the grant of the earldom of Douglas. Accordingly Henry Percy, and the Earl of March, proceeding with a conſiderable force beſieged Coklawis, a ſtrong tower in Tividale on the confines of the Merſe[6]; but found ſo obſtinate a defence that, both parties being fatigued, it was agreed, between Percy and Greenlaw the captain, that if no aid were ſent by the Scotiſh king, or governor, the fortreſs ſhould ſurrender on the firſt of Auguſt, being ſix weeks from the date of the convention. Gladſtane, the proprietor of Coklawis, who had remained concealed in the place, ſoon haſtened to the king, who referred him to the governor. Albany aſſembling a council of prelates and nobles at Falkland, laid the affair before them; and they knowing him little inclined to war, pretended that it was better to give up that paltry turret, than encounter further danger from England, when the Scots were weakened and diſheartened by the late defeat. Upon which, to their ſurprize, the regent who apparently had intelligence of the commotion raiſed by the Percies, and that the north of England was incapable either

1403

June

[6] Bowar, 435. It was in, or near, the ſite of the preſent Ormiſton, about three miles to the ſouth of Kelſo. In a letter to the Engliſh council, Newcaſtle 30 May, Veſp. F. VII, f. 23, Northumberland mentions that he and his ſon have indentures and hoſtages for the ſurrender of *Ormiſton* caſtle in Scotland, on the 1ſt of Auguſt, if not delivered by battle; and he requires money for his ſervices. In a letter to Henry, 26 June, ib. f. 25, the earl demands money, as he had received none, though it was maliciouſly reported that 60,000*l.* had paſſed into his hands ſince the king's coronation: he aſſures his "Mageſtée royalle" that he ſhall be at *Ormiſton* on the day appointed. The letters are in French.

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1403 of offence or defence, ſtarted up, and exclaimed, "I vow to God and St. Fillan that I ſhall prevent the appointed day, although none ſhould attend me ſave that youth, my groom," pointing to Peter de Kinbuk, then holding his horſe at a diſtance. The council, effectually duped and aſtoniſhed by the governor's new ſpirit, anſwered with tears of joy, "May God confirm his work in you; and by his aid we engage that our help ſhall not be deficient." Albany was ſoon at the head of a numerous army, conſiſting according to our antient accounts of not leſs than fifty thouſand rude cavalry, and as many infantry. With ſome loſs he took the fort of Inwerwick in Lothian [7], which had been ſeized by the Engliſh, after the deſtruction of the flower of Lothian at Homildon; and was approaching Coklawis, when a meſſenger brought him tidings that Percy was defeated and ſlain at Shrewſbury. Upon this the governor encamped his wide battalions around Coklawis, and ordered a herald to proclaim the joyful intelligence; then diſmiſſed his army, and returned as in triumph [8]. The battle of Shrewſbury, with the prudent and bold conduct of the Scotiſh earl of March on the part of Henry IV, and the ſpirited actions of Douglas [9] in behalf of Percy, belong to Engliſh hiſtory: of this narration it is the duty to obſerve that the conduct of Albany was reprehenſible in a high degree, and that by his uſual miſconduct he loſt a fit opportunity of regaining Jedburgh, Roxburgh, or Berwick, or otherwiſe aſſailing the north of England, in its weak and diſaffected ſtate,

[7] The ſituation of this place is compared to Baiæ, in the deſcription of Lothian, Blaeu's Atlas.

[8] Bowar, 435—438. Winton, 889—891.

[9] This earl had loſt an eye in the battle of Homildon: and in this he was wounded *in verendis*. Walſ. 411. He felled Henry to the ground, before he was himſelf captured. Monſtrelet, Vol. I, f. v. 6, edit. 1518.

and

and avenging the affronts and the loſſes of his country. The people of Scotland were then almoſt unknown in their own government, but the patience of the nobles and gentlemen under this long and diſgraceful Regency, yet further to be lengthened and diſgraced, can only be accounted for, by inferring that Albany ſhared with them the ſpoils of the king and of the people, and thus indulged to the utmoſt the natural ſpirit of ariſtocracy. 1403

An impoſtor appearing in Scotland, under the name of Richard II [1], the policy of Henry IV perceived what dangerous commotions might ariſe from this pretext, and his deſires of peace were increaſed. He wiſhed to include the Scots in the long truce, formerly ratified with France; but, not ſucceeding, uſed other pacific negotiations, and Robert III on his ſide appointed commiſſioners to treat for the ranſom of Albany's ſon, and Douglas, and for a truce if obtainable upon proper terms; which was in fact concluded for a very ſhort time [2]. Another meeting was agreed on to confer concerning a definitive treaty, and among the Scotiſh commiſſioners were James Douglas lord of Dalkeith, the biſhop of Glaſgow, Sir David Fleming, John Merton doctor of canon law, and Walter Foreſter canon of Aberdeen and ſecretary of ſtate [3]. 1404. May. 6 July to Eaſter

[1] Winton, 879, 880, quoted under 1399. Walſ. 413.

[2] Rymer, VIII, 345, 359, 363.

[3] Ib. 369, 370. In Auguſt, apparently this year, Robert ſent David Fleming with a letter to Henry, beginning "ſalutem et quietis deſiderium," to confer concerning ſome affair mentioned by the Engliſh king to Fleming, Veſp. F. VII, f. 63, n. 1. About the ſame time the counteſs of March wrote to Henry, repreſenting her diſtreſs, and that of her huſband, ſince they left their country; the peſtilence raged around their reſidence, and their foes afforded no opportunity of their retreating to Colbrandſpath till it abated. Percy's followers were enraged at March for the death of their maſter, &c. Original ſigned "Voſtre humble oratrice," &c. Veſp. F. VII, f. 96, n. 2.

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1404 The laſting bars in the way of ſolid peace ſeem to have been the treaty between Scotland and France, and the poſſeſſion of ſome places in the borders by the Engliſh, which they could not reſign, nor the Scots ceaſe to demand, without diſhonour.

1405 A Scotiſh veſſel, of great value, having been captured by
Jan. an Engliſh armed barge near St. Andrews, letters were addreſſed by Robert, by Albany his lieutenant-general, by the biſhop of St. Andrews, and by other eminent perſons to Henry demanding reſtitution, but without effect [4]. In conſequence of this injuſtice, the Scotiſh commiſſioners failed in their ap-
March pointed meetings with the Engliſh on the marches; and mutual animoſity began to be diſcovered [5].

The aged and ſickly king, ſecluded in the iſle of Bute [6], the victim of his own weakneſs, and of his brother's ſavage ambition, had yet a few friends left. Among theſe was Henry Wardlaw, nephew of the late cardinal, and recently appointed biſhop of St. Andrews by the Pope, a prelate recommended by his love of letters, and of his king, and country. To his charge James, Earl of Carric, and only ſurviving ſon of Robert III, now in his eleventh year, was committed by

[4] The original letters may be ſeen in Veſp. F. VII. Robert's, f. 102, n. 1, beginning with wiſhing to Henry "ſalutem et quietis populi deſiderium:" Albany's, f. 26; the biſhop's, f. 102, n. 2; the earl of Crawford's, f. 103, n. 1; and one by David Fleming of Biggar and Cumbernald, f. 82, n. 2.

[5] O. The Engliſh commiſſioners, the biſhop of Bath, the earl of Weſtmoreland, and lord Fitzhugh, to Henry, Morpeth 26th March. Veſp. F. VII, f. 96, n. 1.

In the courſe of this year Ireland alſo diſplayed her reſentment. From the Annals at the end of Camden's Britannia it appears that, in the year 1400, the conſtable of Dublin caſtle met ſome Scotiſh ſhips near Stranford in Ulſter, who defeated the Engliſh and ſlew many. In revenge the merchants of Drogheda, A. D. 1405, ravaged a part of the Scotiſh ſhore; and in June, the ſame year, the people of Dublin attacked St. Ninian's.

[6] Bowar, 436, 439. In the firſt paſſage for *Bochan* read *Bathan*.

his

his father, and by his advice France was choſen as a ſecure retreat for the heir of the kingdom, from the brutal force or dark art of Albany[7]. The poliſhed education to be received in that celebrated country afforded a fair pretence for this plan; and the regent ſeems not to have oppoſed it, hoping perhaps ſomewhat from accident, divining the unpopularity of a foreign education, nor regreting to unite the public attention by being the neareſt heir of the monarchy left in Scotland. Henry Sinclair earl of Orkney was appointed chief attendant of the prince in this voyage: and a ſhip was ordered to the iſle of Baſs, in the firth of Forth, to receive the important charge. David Fleming of Cumbernald, a relation of the king, and ſeveral chief gentlemen of Lothian, conducted the prince, and ſaw him ſafe on board: on their return they were purſued by James Douglas, uncle of the earl, and a conflict followed at Hermanſton moor, in which Fleming and many others fell[8]. 1405 14 Feb.

The

[7] Bowar, 439.

[8] Bowar, 439. Winton, 895.—Walſingham, 416, 417, informs us that Fleming was ſlain in revenge for his advice to Northumberland to eſcape into Wales, as the Scotiſh nobles intended to have delivered him up in exchange for one or two of the peers captured at Homildon. If ſo this event muſt have happened in 1406. The groſs errors of chronology in Bowar, Winton, and even our later hiſtorians, occaſion perpetual difficulties. That Robert III died on the 4th of April 1406, is evinced beyond all doubt by the learned Ruddiman, in his notes on Buchanan, p. 436; who at the ſame time expreſſes his opinion that the prince was captured in 1405, as Bowar's inconſiſtent account bears that the capture happened on the 30th March, and that the father died of grief on the 28th March; while Winton expreſsly dates theſe events in the years 1405 and 1406. It is clear from our hiſtorians, and Walſingham, that the earl of Orkney accompanied the prince; and he was a captive in England in Aug. 1405, when his brothers were permitted to viſit England, as may be inferred from Rymer, VIII, 410; on the 13th Sept. 1405, a ſafe conduct was granted to Orkney, then a priſoner, to viſit Scotland, (his brothers apparently hoſtages,)

1405 The prince had only proceeded as far as Flamborough head, when he was intercepted by a ſhip belonging to Cley in Norfolk; and the Scotiſh veſſel, being ſmall and unarmed, 30 Mar. was taken without defence. The royal captive, and his attendants, were immediately ſent to the Engliſh king, who ſaid with ſarcaſtic joy, "Had the Scots been grateful, they ought to have ſent this youth to me to be educated, for I underſtand French well." Henry then ungenerouſly ordered the prince, and Orkney, to the Tower: and nineteen years elapſed before James ſaw the end of his captivity [9].

Rothſay herald appears to have been ſent, in order to treat for the deliverance of the prince: and Albany intereſted in the welfare of his ſon Murdac, who remained a priſoner in England, endeavoured to conciliate Henry, and expreſſed his 2 June regret for the failure of the conferences [1]. But a ſtorm now burſt

Rymer, VIII, 415. Yet it is ſingular that no mention of the prince occurs in any writing of that year. John ſon of Henry ſays, in a letter to his father, Veſp. F. VII, f. 95, n. 2, that Orkney had joined Northumberland and Bardolf at Berwick: the letter is dated Durham, 9 June, in all appearance 1405. Yet Bowar and Winton agree that Orkney and the prince were captured in March or April. The ſame writers concur that Fleming was ſlain, on his return from accompanying the prince on ſhip-board: yet Walſingham ſeems rightly to place the ſlaughter in 1406: he is however miſtaken in dating the capture 1406, as appears from the paſſports to Orkney. When the materials are ſo complex, and diſcordant, the candour of the reader muſt be requeſted.

[9] Bowar, 439. Winton, 895, dates the capture 12th April. Walſingham ſays, with *naïveté*, that James was ſent "ut coaleſceret et informaretur in Francia, de facetia linguaque Gallica." Henry's words he thus expreſſes, "Certe ſi grati fuiſſent Scoti, hunc miſiſſent mihi juvenem inſtituendum, nam et idioma Franciæ ego novi." Hiſt. 417. Ypod. 170.

[1] O. Albany to Henry, Falkland 2 June, ſigned, "Robertus dux Albaniæ, germanus regis Scotiæ, et ipſius locumtenens generalis." Veſp. F. VII, f. 101, n. 1. On the 10th July Rothſay herald was again ſent by Albany to Henry on private buſineſs, probably to inſure the continuance of James in captivity; and

burſt forth in the north of England, which threatened to immerge Scotland in open war. 1405

The earl of Northumberland, who had been pardoned by Henry after the battle of Shrewſbury, began, in concert with the earl Marſhal of England, the archbiſhop of York, and lord Bardolf, to revive his rebellion, if it can be ſo called, againſt the uſurper. But Henry's vigorous meaſures ſpeedily extinguiſhed the flame. Some of the earl's confederates were ſeized, and executed, while he himſelf fled into Scotland, accompanied by his infant grandſon, and by lord Bardolf[2]. June

The Scots availed themſelves of the confuſion, to manifeſt their ſenſe of Henry's injuſtice. Some joined Northumberland at Berwick; and the Engliſh monarch, alarmed at the complicated danger, in vain iſſued a commiſſion to John his ſon, conſtable of England, and warden of the eaſtern frontier, (offices transferred to him from the earl of Northumberland two years before,) to negotiate a truce with Scotland till the following Eaſter[3]. Upon the retreat of Northumberland into their country, the Scots gave the town of Berwick to the flames; but the caſtle, which was held for the rebel earl, ſoon after ſurrendered to the Engliſh king[4]. 8 July

Robert,

and to explain that any preparations of Scotland for war were only to preſerve appearances on Albany's part. Veſp. F. VII; 79, n. 1.

[2] Walſ. 416, 417. Bowar, 439. Original letters of Henry on this rebellion may be found in Veſp. F. VII.

[3] Rymer, VIII, 403.

[4] Otterburn, 257, ſays that the Scots burned all the town, except the churches and monaſteries. It is ſuſpected that it was on this occaſion that a ſpirited letter was written by James Douglas, ſecond ſon of the earl, (Bowar, 439,) to the Engliſh king, who complained that the followers of that nobleman had, in the time of truce, burned Berwick, and ſome places in England. Douglas anſwers that the Engliſh had killed many Scots, and taken ſome Scotiſh ſhips; that they had ravaged Arran, and the caſtle of Brathwicke,

1405 Robert, yielding to age and infirmities, had abandoned the reins of government to Albany, in title lieutenant general of the kingdom, but in fact regent. It appears that Albany, probably inſtigated by Northumberland, meditated, or pretended to meditate, an invaſion of England, for Henry ordered
8 Sept. his array to be in readineſs to oppoſe this deſign [5]; and he
16 Sept. iſſued a commiſſion to treat with Donald lord of the Iſles, and John his brother [6], the potentates of the Hebudes being generally the allies of England. But both parties ſoon relaxed
end Sept. in their reſentment; and a truce was concluded, to laſt till the enſuing Eaſter [7].

1406 The ambition of Albany prevented any effectual interceſſion for the liberty of the prince; and perhaps his father regarded him as more ſecure in England than in Scotland. No warmth of animoſity ſeems therefore to have ariſen on this account:
7 Feb. and Henry renewed his powers to prolong the truce [8].

Robert III, overwhelmed with infirmities and misfortunes,
4 April died at the caſtle of Rothſay in Bute, after having nearly completed the ſeventeenth year of his hapleſs reign [9].

Lauderdale, Tividale, and a part of Ettrick foreſt. This curious original letter may be found in Veſp. F. VII, f. 17. It is only dated Edinburgh 26 July, directed "To ane excellent and amychty prynce Kyng of Inglande:" and after the words "Hee Almychty Prynce, the haly gaſt you halt in his yhemſall," is ſigned, "Jamis of Douglas Wardane of the Marche."

About this time alſo muſt have been written a letter from prince John to his father Henry, mentioning that the earl of Mar, (Alexander Stuart,) was at ſea between Berwick and Newcaſtle, deſpoiling Engliſh veſſels. Veſp. F. VII, f. 62.

[5] Rymer, VIII, 414. [6] Ibid. 418.

[7] Henry's commiſſion is dated 19 Sept. Ib. [8] Rymer, VIII, 430.

[9] Winton, 898. Bowar, 440. The capture of James happened on Palm-Sunday 1405; the death of his father on Palm-Sunday 1406; Winton, 897, 898. Hence perhaps the fable of Robert's dying ſuddenly, on receiving the tidings of his ſon's capture, as both events happened on the *ſame* day.

# BOOK III.

CONTAINING

## THE REGENCIES OF ROBERT, AND MURDAC, DUKES OF ALBANY.

*Character of Albany—March returns—a heretic burnt—Jedburgh taken—mutual ravages—inſurrection of Donald lord of the Iſles—battle of Harlaw—univerſity of St. Andrew's founded—Henry V of England—incurſions—diſgraceful expedition of Albany—his death—Murdac regent—treaty for the ranſom of James—affairs of the Scots in France.*

THE character of Robert Duke of Albany requires but a few features, to finiſh the delineation, which has already preſented itſelf in his actions. He approached his ſeventieth year, when, by various arts and crimes, he attained the great object of his purſuits, in the ſole government of Scotland. His perſon was tall, and majeſtic, his countenance amiable: temperance, affability, eloquence, real generoſity, apparent benignity, a degree of cool prudence bordering upon wiſdom, may be reckoned among his virtues. But the ſhades of his vices are deeper; an inſatiate ambition, unrelenting cruelty, and its attendant cowardice, or at leaſt an abſolute defect of military fame, a contempt of the beſt human affections, a long practice in all the dark paths of art and diſſimulation. 1406

His:

1406 His adminiſtration he ſtudied to recommend, not by promoting the public good, but by ſharing the ſpoils of the monarchy with the nobles, by a patient connivance at their enormities, by a dazzling pomp of expenditure in the pleaſures of the feaſt, and in the conciliation of munificence. As fortune preſerved his government from any ſignal unſucceſs, ſo it would be an abuſe of terms to beſtow upon a wary management, which only regarded his own intereſt, the praiſe of political wiſdom [r].

The three eſtates, having met in parliament at Perth, ſoon after the demiſe of the late king, decency conſtrained them formally to recognize the title of the captive prince to the ſovereignty; but the regency and ſole command of affairs were
1407 ratified to Albany [s]. The treaty with France was renewed: and the truce with England continuing, the regent ſent embaſſadors to adjuſt any differences which had ariſen, yet appears not to have even mentioned his captive nephew [t]. But a more ſincere

[r] For the character of Robert duke of Albany compare Bowar, p. 466, "convivus quotidianus . . . vir magnarum expenſarum, et extraneis munificus. Erat enim forma præcipuus, corpore procerus et altus," &c. with Winton, p. 900, 901, who praiſes his beauty, ſtrength, wiſdom, religion, hatred of heretics, chaſtity, ſobriety, majeſtic deportment, affability, attachment to the clergy, and to the commons; and, from two or three lines in the paſſage, evidently wrote this part after the death of Albany in 1419, though the hiſtorical events of his work relative to Scotland cloſe in 1407. But theſe old writers uniformly praiſe the great; both belonged to the church, which was eminently favoured by Albany. Winton lived under his regency, and in his earldom of Fife; and Bowar often follows Winton. Their indiſcriminate praiſe is overcome by the indubitable evidence of fact and record.

[s] Winton, 899.

[t] The renewal of the French league, Feb. 1407, may be found in the 4to Regiſter, fol. v. 61, and MS. Leagues ſub anno. See alſo Du Tillet, f. 117, where, among the perſons who ſwear, are James Douglas warden of the marches, brother to earl Douglas; and John Stuart, lord of Graham, *Earl Palatine* of Strathern: the latter unknown to our genealogiſts; the former is

James

ſincere and effectual interceſſion was made for the Earl of Douglas, who was permitted to reviſit his country upon an engagement to pay a ranſom of one thouſand marks, and leaving hoſtages for ſecurity [4]. Many Scots now crouded to the Engliſh court, ſome in the hopes of admiſſion to the preſence of their young ſovereign, and of attracting his favour by their attentions: and others from various motives. Among theſe was Alexander Stuart, who had become Earl of Mar by the unwarrantable means above recited; he appointed a tournament of Engliſh and Scots in which the latter were defeated: but his reſtleſs ſpirit carrying him into Flanders, in the following year, he diſtinguiſhed himſelf in the ſervice of the Duke of Burgundy, who had ſent him to aſſiſt in quelling a rebellion of the people of Liege, againſt their biſhop John of Bavaria [5]. 1407

The

James the Groſs, afterwards earl of Douglas, (ſee 1405.) Henry's letter to John, his ſon, concerning the prolongation of the truce for a year, occurs Veſp. F. VII, f. 106, n. 2. Albany's letter appears, f. 111, dated 2 March, and ſtates that the Scotiſh embaſſadors, Sir William Grame, and Sir John Stuart, having been well received, the regent had called a parliament to conſider Henry's anſwer; and the truce was prolonged from next eaſter to that in the enſuing year. The archbiſhop of Canterbury adviſed Henry, (Veſp. F. VII, f. 88.) to inſiſt that "the fool calling himſelf king Richard" ſhould be given up; but the king ſeems to have paſſed this matter with due contempt, though in 1404 Serle yeoman of the robes to Richard II came from Scotland to England, and had perſuaded many that Richard was alive. He was executed. mrs. Harl. 266, 5 H 4.

[4] A copy of the agreement between Henry and Douglas, dated London 14 March 1407, may be found in mrs. Harl. 381, f. 212. After the date Douglas adds, with his own hand, that if France or Scotland break the truce, he and his followers ſhall adhere to Henry. The copy is by Sir Simonds d'Ewes; and the ſeal is delineated, Douglas and Galloway in alternate quarters, ſupporters a male and female ſavage.

[5] Winton's two laſt chapters, p. 902—916, relate to Mar's actions; his viſit to England in 1407, the tournaments there (ſee Otterburn 260;) his voyage to France.

1408 The Earl of March diſappointed in his hopes of the conqueſt and grant of his eſtates, by the Engliſh monarch, was not indiſpoſed to return to his own country; and the regent and the nobles of Scotland knew, from experience, that his enmity, and his friendſhip, were not unimportant. A new government having taken place, Albany could now throw the blame of the injuries offered to this nobleman upon the late king; and an accommodation was effected. From the liberality of Henry IV March had acquired ſome eſtates in England, which ſerved to indemnify his loſs; and Douglas reſtored his Scotiſh domains, upon condition however of retaining the lordſhip of Annandale, and its caſtle of Lochmaben [7].

A ſcene, it is believed, before unknown in Scotland diſgraces the annals of this year. James Reſby, an Engliſh prieſt of the ſchool of Wickliffe, was condemned for hereſy by a clerical council, preſided by Lawrence Lindoris, an inquiſitor; and delivered to the ſecular arm, and to the flames, at Perth.

France in 1408, p. 904, paſſage thence to Flanders, p. 905; the conteſts at Liege between John of Bavaria and Horn; Mar joins Burgundy in the war againſt Liege, p. 910; the death of Horn, p. 913; the council of Conſtance, 1414; the marriage of John of Bavaria to Elizabeth of Brabant, 1418; that of Mar to a Brabantine lady, and his return to Scotland, (1409?) p. 916 Compare Divæus, Rer. Brabant. Antw. 1610, fol. p. 213, 224. Mar is ſpecially mentioned, in the war of Liege, by Des Urſins, p. 196, and Berry, p. 12. Albany, in a letter to Henry 4 Nov. 1407, Veſp. F. VII, f. 77, n. 1, teſtifies his gratitude for the king's courteſy to Mar, to Murdac, and to Douglas.

It is doubtful what is the real date of the following events, narrated by Monſtrelet, Tome I, c. 35, edit. 1518, under the year 1407. The prince of Wales, ſays that writer, accompanied by his uncles, and an army of 1000 men at arms, and 6000 archers, (about 12,000 in all) proceeded about *Tous ſaints* (1 Nov.) to make war in Scotland. The *king* of Scotland then at *St. Janjon*, (St. Johnſtown, Perth,) in the middle of his kingdom, aſſembled a large army under *Douglas* and Buchan; but he found the Engliſh too powerful, and ſent embaſſadors to conclude a truce of one year. (See 1385.)

[7] Bowar, 444.

The

The articles of his hereſy amounted to about forty; and the 1408
firſt and chief was that the Pope is not the vicar of Chriſt[7].
Winton particularly praiſes Albany for his averſion to Lollards, and to hereſy, and for his devotion to the catholic church: and from this incident the reputation appears to have been well founded. But it did little honour to his government to inſtitute the firſt example to his country of fanatic cruelty, though much of the blame muſt reſt upon prieſtly perſecution, upon the examples of other countries, and the ſpirit of the times. The ſacred light of philoſophy, which eſtabliſhes abſolute right of conſcience, and unlimited ſcope of opinion, was yet far from its dawn; and the barbariſm of the age thought to honour religion by crime, and the Deity by the deſtruction of man.

The truces, which had extended from the commencement 1409
of the regency to this time, having expired without renewal, ſome of the commons of Tividale, a people hardened by their limitory ſituation, and conſtant expoſure to war, aſſaulted and took the caſtle of Jedburgh, which had remained in the hands of the Engliſh ſince the battle of Durham[8]. The walls were ſo hardly cemented together, that much labour was required to deſtroy them, as was reſolved, in order to prevent the foe from regaining ſo firm a hold: and it was agitated in a parliament, held at Perth, that a tax of two pennies upon every hearth ſhould be raiſed for this purpoſe. But the regent, anxious for popularity, oppoſed this reſolution, ſaying that during his regency no tax had ever been levied, nor ſhould he now begin to merit by that abuſe the malediction of the poor: and he accordingly ordered the expence to be defrayed out of

[7] Bowar, 441—443.

[8] Bowar, 444. Beſides Berwick and Roxburgh, Faſtcaſtle was alſo in the hands of the Engliſh, as appears from different letters. Veſp. F. VII, f. 97, &c.

1409 the royal cuſtoms[9]. One of the inconſiſtencies of human affairs is, that a power irregularly or criminally acquired is often exerted in a manner far more excellent, than the juſt tenor of authority; for the latter reſts upon an indiſpenſable claim, while the former requires ſupport from the affections of the people.

1410 To revenge the loſs of Jedburgh, Robert Umfraville, of the Engliſh family which claimed the title of Angus, entered the Forth with ten ſhips, and took fourteen veſſels laden with drapery and grain: and afterwards ravaged various parts of the Scotiſh coaſt. The ſupply of corn which he brought on his return, was ſo ſeaſonable to England, then afflicted with a ſcarcity, that he was honoured with the vulgar appellation of Robert Mendmarket[1]. But it is uncertain whether the corn captured in the Forth was an import into, or an export from Scotland. Nor were the Scots deficient in ſucceſsful hoſtility, for Patrick Dunbar, the ſon of March, took by ſtratagem the fortreſs of Faſtcaſtle, on the northern ſhore of the Merſe, which had been for a ſhort time in the Engliſh power[2].

Although Henry IV was irritated by the loſs of Jedburgh, and meditated a blow againſt the regent, yet to cover his deſigns he permitted a propoſed truce to proceed ſo far, as to require Albany's ratification[3]. This was conveyed in a letter to Henry,

[9] Bowar, 444. [1] Harding, c. 207. Stow, 338. [2] Bowar, 444.

[3] The truce itſelf may be ſeen in Veſp. F. VII, f. 95, n. 1. It is in Engliſh, and extends from 21 May next to 21 May 1411: is dated at Reewele 27 Jan. 1409-10: the commiſſioners are Borwick and Cairns for Scotland, Sir Richard Redmain and Mr. Holme for England. On the 21 Jan. 1410, Henry gave inſtructions to Emond Bugge, ſquire of the chamber, as envoy to Albany, inſiſting on the return of Douglas to England, offering Murdac of Fife for a ranſom of 50,000 marks, or if a long peace were granted his free deliverance. Albany herald, had moved the marriage of prince John of Lancaſter with the regent's daughter; but his inſtructions were doubted, and if right Henry will deliberate on the buſineſs. Veſp. F. VII, f. 90.

ſome

ſome expreſſions of which were eſteemed rather preſumptuous; 1410
for the regent was ſtyled "by the grace of God," and mentioned "our ſubjects of Scotland[4]." As Henry's title to his crown was not ſo good as Albany's to the Scotiſh, and a conſiderable ſimilarity occurs in the progreſs of their ambition, it is no wonder that ſuch expreſſions ſeemed to imply pride, or reproach.

But the moſt important event during this regency now 1411
ariſes in the rebellion, as it was termed, of the lord of the Iſles. The ſubject of diſpute was the earldom of Roſs, a title of uncertain creation, but which at leaſt aſcends to the twelfth century. The ancient line failed in Euphemia Roſs, wedded to Walter Leſley, whoſe iſſue were Alexander Earl of Roſs, and a daughter eſpouſed to Donald lord of the Iſles: Euphemia, upon Leſley's death, married Alexander Earl of Buchan, ſon of Robert II. Alexander Earl of Roſs had by his wife, a daughter of Albany, an only child alſo named Euphemia, who became a nun, probably by the inſtigation of her mother's family, and with the intention of reſigning the dignity to John Earl of Buchan, ſecond ſon of the regent, when ſhe came of age; but the reſignation was not executed till four years after this period[5]. As Euphemia by entering into a nunnery was regarded as dead in law, Donald lord of the Iſles reſolved to defeat the machinations of the family of Albany, by an immediate ſeizure of the earldom, which included the iſland of Sky, and lay contiguous to his dominions. Not contented with this acquiſition, to ſhew his ſcorn of the regent, and recommend his alliance to the Engliſh king, Donald raiſed an army of ten thouſand men of the Hebudes, and of Roſs, and advanced as far as Mar in his deſolating inroad, intending to

[4] Rymer, VIII, 635.

[5] Sir D. Dalrymple, Sutherland Caſe, ch. v, ſect. 7, from many records there quoted.

1411 ſack Aberdeen, and ravage the country even down to the Tay [6].

To ſtop his deſtructive career, Alexander Stuart Earl of Mar, and Ogilby ſheriff of Angus, haſtily collected ſome troops from Buchan, Mar, Garioch, Angus, and Merns; and
24 July met the invader at Harlaw, about ten miles northweſt of Aberdeen. Mar's army was inferior in number; and the battle was obſtinate and fierce, but indeciſive. On the ſide of Donald the chiefs of Maclean and Macintoſh fell, with about nine hundred; and Mar loſt five hundred men, among whom were ſome of rank, as Scrymger conſtable of Dundee, George Ogilby heir of the family, and moſt of the gentlemen of Buchan [7]. The lord of the Iſles was however ſo much weakened, that he was forced to retire; and the regent immediately collecting an army marched to the caſtle of Dingwall in Roſs, which he took and garriſoned toward the end of autumn. Next ſummer Albany ſet three armies on foot to invade Donald's territories, who was obliged to abandon his pretenſions to Roſs, to make a perſonal ſubmiſſion, and give oaths and hoſtages for indemnification, and future obſervance of peace [8]. As the intereſts of the regent were concerned, the motives of his conduct deſerve no applauſe; but the conduct itſelf was in this inſtance ſpirited and political, for it might have proved dangerous to have permitted a large and contiguous acceſſion of territory to an independent chief, the ally of England.

[6] Bowar, 444.

[7] Ibid. 445. Contemporary poem The battle of Harlaw. Mar appears to have married the heireſs of Doffle in Brabant, and returned to Scotland, in 1409. He lived till 1436. Stewart's Gen. 135.

[8] Bowar, 445.

Meantime

Meantime it appears not that Henry IV made any exertion 1411
to aſſiſt his ally, a greater field having opened to his ambition in the affairs of France, the long diſſenſions of which kingdom had now ripened into civil war. Henry prepared the future conqueſts of his ſon by engaging in the party of Burgundy, to whom he this year ſent a ſupply of troops: and it became an object of his prudence to prevent any diſturbance of his deſigns, by terminating hoſtilities with Scotland. The publication of a remarkable papal bull, given by Urban V in 1368, but not openly current till now, alſo contributed to this end[a]. In this pontifical mandate it is forbidden, under pain of excommunication and interdiction, to all perſons eccleſiaſtical or ſecular, of whatever rank, to form any leagues againſt the government of Scotland, or to enter that kingdom hoſtilely, or make any depredations in it, or even to protect or aſſiſt any who ſhall infringe this prohibition. To the terrors of excommunication other penalties are added; and infamy, degradation, incapacity of any places of honour or truſt, are held out to the violators; and, if kings, their ſubjects are abſolved from their allegiance. This laſt threat may have had ſome influence with Henry, whoſe title little required any additional ſhock. Urban V was a Frenchman, and warm in the intereſts of his country, ſtruggling at the period of this bull with Edward III: the origin of this fulmination is therefore eaſily explained; and it appears to have lain dormant at firſt from a diſcovery of the friendly diſpoſitions of David II towards England; and, afterwards neglected and forgotten, to have been revived by accident at the preſent epoch.

Various negotiations for a truce between England and Scotland occupied this, and the following year, and occaſioned

[a] Aberer. II, 240.

a ſuſpenſion

1411 a ſuſpenſion of arms. Nevertheleſs Douglas of Drumlanrig, and Gawin Dunbar, broke down the bridge of Roxburgh, and ſet fire to the town [1]. But neither this inſult, nor the loſs of Jedburgh, could divert the Engliſh king from his attention to France; and the Earl of Douglas, finding no employment for his martial ſpirit in his own country, reſolved to bear a part in the French deeds of arms. Thrice, ſays a monaſtic hiſtorian, he was repelled by contrary winds, till by the advice of the Earl of Orkney his companion in the voyage, he viſited the iſle of St. Colm in the firth of Forth, and addreſſed his ſupplications to the tutelary Saint, Columba. Then he ſailed to Flanders, and by the Saint's aſſiſtance ſoon returned [2]. Douglas muſt have found it impracticable to take a decided ſhare in the war, for the alliance of England ſhifted from one party to the other; nay the French king himſelf was indecided.

1412 To Henry Wardlaw, biſhop of St. Andrews, Scotland now became indebted for her firſt univerſity, an event more intereſting and important than dubious negotiations, or the tumults of war. It is pleaſing to conſider the dawn of the light of learning, riſing as after a tempeſtuous night of diſcord and barbariſm, and commencing its ſalutary influence. The ſtudies of the time were indeed unimportant, the thorny tract of ſcholaſtic theology, the clerical uſurpations of canon law, a logic which taught not to reaſon, a philoſophy devoid of wiſdom: but ſtill the mind was employed, a ſacrifice, though rude, was offered to ſcience, the field began to be manured, which in time was to yield productions of delight and of utility. At Pentecoſt 1410 the lectures at St. Andrews had begun,

[1] Bowar, 447.

[2] Ibid. The period of Orkney's deliverance from his Engliſh captivity was perhaps 1405. See Rymer, VIII, 415, 429.

but

but the bulls of confirmation were not received till this year, 1412
when Henry Ogilby maſter of arts, who had been deputed 3 Feb.
on that ſervice, arrived with the papal conſent. Univerſal feſtivity enlivened the city, the bulls were preſented to the biſhop who appeared in ſtate in the refectory, were ſolemnly peruſed aloud, and *Te Deum* ſung, and the elevation of joy and of wine pervaded every ſtreet. On a following day a grand proceſſion was inſtituted, in which were ſeen not leſs than four hundred clergy [3].

The death of Henry IV, and the ſucceſſion of his warlike 1413
ſon to the Engliſh ſceptre, introduced little alteration into the March
affairs of Scotland. One of the firſt acts of Henry V was to order the ſon of Albany, whom policy had ſtill retained captive in England, and ſome other priſoners to the tower; leſt they might have taken an advantage, of which there did not want examples, in eſcaping upon a pretence, believed in that age to be juſt, that their promiſes of honour were only engaged to the late king, and became vacated by his death [4]. Reſolving to take advantage of the diſtracted ſtate of France, he had effectual means in his hands to ſecure the neutrality of Scotland, by continuing the captivity of James, and of Albany's eldeſt ſon; and to ſhew his amicable intentions he diſmiſſed ſome Scotiſh captives of inferior note [5]. The Scots were afterwards amuſed with three unſucceſsful negotiations, in the ſame year, between their regent and the Engliſh king, for the ranſom of James. Albany ſent a more ſerious embaſſy

[3] Bowar, 445: The original charter of the biſhop is reſearſed in Scotſt. Cal. under the reign of James II. A deed of this prelate, 18th April 1414, occurs in MS. Harl. 4637, Vol. III, f. 188.

[4] Rymer, IX, 2. Accordingly the truce of May 1412, which was to laſt till Eaſter 1418, (Rymer, VIII, 737,) was regarded as annulled.

[5] Rymer, IX, 5.

for

1413 for the ranſom of Murdac his ſon; but this deſign alſo failed and only a truce was agreed on, to laſt till June 1414: at which time it was continued by further negotiation[6].

1415 While Henry V was occupied with his victorious expedition into France, the Earl of Douglas took and burned Penrith; and in revenge Dumfries met with a ſimilar fate[7]. The want of an Earl of Northumberland now began to be felt; and it was reſolved by the Engliſh government to accompliſh a treaty, commenced in the preceding year, for the exchange of the regent's ſon and the young Earl of Northumberland, ſon of Hotſpur, who had been left in Scotland by his grandfather, when he retired into Wales. That he was detained as a captive, after the ſeizure of the Scotiſh prince, can hardly be imputed to injuſtice; but he was liberally educated at St. Andrews by the biſhop, and met with ſuch honourable hoſpitality that grateful impreſſions alone filled his mind. Before Henry proceeded to France this exchange had been determined; but was poſtponed on account of the ungenerous flight of Murdac, who was however taken, and the captor liberally rewarded[8]. The anxiety of the regent, now far advanced in years, for the preſence of his heir, and the wiſhes of the Engliſh for the

[6] Rymer, IX, 5, 40, 79, 48, 45, 60. In May 1414 Albany ſent Maxwell of Calderwood, and Mr. Robert Lanyn, to Henry to negotiate the ranſom of Murdac and James. Veſp. F. VII, f. 114, n. 1, 2: f. 115, n. 1. The letters are dated at length, "26 Maii 1414, et gubernationis noſtræ 9:" an additional proof that Robert III died in April 1406. The deſignation of James is ſingular, "Jacobi filii quondam Domini mei regis."

Bowar, 447, mentions the aſſaſſination of Patrick Graham Earl of Strathern, by Sir John Drummond, who died before the puniſhment of his crime. Graham was earl in right of his wife Euphemia Stuart; and their ſon Malis Graham was ſtripped of the title, and eſtate by James I: a raſh act which excited a Graham to his aſſaſſination. Sutherland Caſe, ch. v, ſect. 13.

[7] Bowar, 448. [8] Rymer, IX, 280.

protection

protection of another Earl of Northumberland, at laſt conſpired 1415
together: and the exchange was carried into effect [9].

A freſh treaty for the ranſom of James proceeded ſo far, 1416
that Henry conſented that the Scotiſh king, now of age, ſhould viſit Scotland, on condition of returning within a limited time, under the penalty of one hundred thouſand marks, giving hoſtages for ſecurity [1]. But ſome pretext was found by the regent for breaking off this negotiation; and he at the ſame time entered into a correſpondence with the duke of Orleans, now a priſoner in England [2].

While Henry V had entered upon his ſecond expedition 1417
againſt France, and was engaged in the conqueſt of Normandy, Albany collected a large army, and dividing it into two parts, appointed the one under Douglas to inveſt Roxburgh, while he himſelf with the other beſieged Berwick. But the dukes of Bedford and Exeter, gathering an array of more than one hundred thouſand men, if we believe an Engliſh hiſtorian, and of which Exeter boaſted that forty thouſand were equal to the choſen ſoldiers under Henry in France, the Scots were

[9] Rymer, IX, 323. In the invaluable collection of papers, Veſp. F. VII, f. 108, n. 1, is a warrant for removing Murdac to Warkworth, dated 22 May, regni 3—1415: inſtructions alſo occur, f. 110, dated 21 May, r. 3, agreeing to the exchange, provided that Percy aſſent to fulfill what Robert Umfraville and John Witherington, eſquires, have promiſed to Henry in his name. Henry Percy being at length brought to Berwick, final orders were iſſued on the 10th Dec. Ib. f. 109.

[1] Rymer, IX, 417.

[2] Guthrie, who generally copies Abercromby, Maitland, and Granger, has occaſionally new intelligence, but careleſsly omits to point out his authorities. He mentions this correſpondence, Vol. III, p. 248, as conducted by means of Henry Talbot, and betrayed by a domeſtic of Orleans who was a ſpy in Henry's pay. In Veſp. F. III, f. 5, is an autograph letter of Henry V, recommending attention to this intercourſe of Orleans and Albany.

1417 forced to retire[3]. Albany ſeems to have had crude intelligence, and to have thought that the force of England was in France, while Henry had in fact only a ſmall but a ſelect army. The people of Scotland not ſuſpecting the numbers of the foe, and only ſeeing the ineffectual expedition, treated this attempt of Albany with great deriſion.

The Council of Conſtance having ſet a laudable example in the depoſition of Benedict XIII, and in aſſerting the ſuperiority of councils over the popes, after ſecuring the conſent of the other catholic kingdoms, at laſt ſent an envoy to Scotland for that purpoſe. A parliament being ſummoned to Perth, the Abbot of Pontiniac produced letters from the Council, and from the Emperor Sigiſmund, and the caſe was examined. Benedict applied to the Regent, who rather favoured his cauſe, and appointed Robert Harding an Engliſhman to defend it, who was ſo unfortunate as to fall into heretical propoſitions in the attempt; and the Univerſity of St. Andrews, and moſt of the clergy, ſupporting Martin V the new pope choſen by the Council, it was reſolved that Scotland ſhould follow the example of the other catholic ſtates[4].

1419 The fortreſs of Werk was taken by William Halyburton of Faſtcaſtle, but ſome Engliſh troops arriving under Robert Ogle,

[3] Bowar, 449, mentions this attempt, called the *Faul raid* or dirty expedition, with due ſcorn. Walſingham Ypod. 197, aſcribes this enterprize to the inſtigations of Oldcaſtle and the Lolards, who wiſhed to reſtore the pretended Richard to the throne: a ridiculous imputation, ariſing from malignity againſt the Lolards. Orleans ſeems to have been the inſtigator. The bombaſtic narrative of Thomas of Elmham, p. 162, may excite a ſmile. In Veſp. F. VII, f. 115, n. 2, is a letter of Henry, dated at Southampton, mentioning that Albany means to attack Berwick by ſea and land, about the 23d of Auguſt, and that cannon and other warlike ſtores were ſhipped in Scotland for that purpoſe. Albany's army is computed at 60,000. See alſo Rymer IX, 307, dated 1415.

[4] Bowar, 449—451.

he

he deceived Halyburton in propoſing a compenſation for de- 1419
liverance of the caſtle, while his men ſecretly ſcaled the walls, and overpowering the Scots ſlew Halyburton, and his twenty three followers [5].

Henry V had now reduced all the northern parts of France; and the Dauphin was left almoſt deſtitute of friends or reſources. In this neceſſity he ſent an embaſſy to the Scotiſh regent, requiring aſſiſtance in conformity with long exiſting treaties; and a parliament being held it was reſolved to comply with the Dauphin's demand. In conſequence Albany ſent his ſecond ſon, John Stuart Earl of Buchan, with a choſen army of ſeven thouſand men, among whom were ſome nobles, and many knights and eſquires; and upon their arrival in France the Dauphin immediately united them with his little army, then about to attempt the reduction of Languedoc [6].

Robert Duke of Albany after having ruled Scotland for about thirty-four years, including his former management under his father and brother, died at the caſtle of Stirling, in the thirteenth 3 Sept.
year of his ſole regency, after a life of upwards of eighty years. To his high office his ſon Murdac ſucceeded; a man of a very different character, indolent and remiſs even to weakneſs, and not capable of paternal, far leſs of princely authority [7]. But the circumſtances of the times maintained him in his difficult

[5] Bowar, 458, after a long, but curious, digreſſion concerning the hiſtory of Wales at this period.

[6] Bowar, 459. The hiſtory aſcribed to Alain Chartier, Paris 1617, 4to, but really written by Berry, (ſee hiſt. de Jean Chartier, Paris 1661, folio) mentions, p. 49, the Scots as juſt arrived in France in 1419. Des Urſins, p. 358, ſays that two Scotiſh knights, "Thomas Quelfatry, et Guillaume de Glas," came to aſſiſt the Dauphin in 1418: and p. 388, he eſtimates the Scots who arrived under Buchan and Wigton at only 4000, or 5000.

[7] Bowar, 466, 467.

1419 ſtation for four years, at the end of which James aſſumed the ſceptre of his fathers.

Few incidents worth notice ariſe during the ſhort regency of Murdac, except the tranſactions of the Scots in France, a new ſcene, but which more properly belongs to the French hiſtory. However at the end of this book a brief account ſhall be exhibited of theſe deeds of arms, which reflected no ſmall credit upon Scotiſh valour.

1420 The Earl of Douglas, entering England with a conſiderable force, took the town of Alnwick, and burned it to the ground[8]. In the next year Henry V proceeded to York, and invited Douglas to a conference, in which he found means to engage the earl to ſerve him with two hundred horſe, and as many infantry, upon Henry's allowing him the yearly ſum of two hundred pounds[9]. The motives of Douglas to this ſingular and treaſonable treaty are not ſufficiently apparent, but it ſeems that the weakneſs of the Scotiſh government concurred with the Engliſh gold to inſtigate this irregular conduct.

To add to the domeſtic calamities of Scotland under the feeble regency of Murdac, that country was afflicted with a new and wide malady, proceeding from irregular ſeaſons. This was a contagious fever and dyſentery, in which many of all ranks periſhed. Among the perſons of note were Henry Sinclair earl of Orkney, James Douglas lord of Dalkeith; and George Dunbar earl of March, a nobleman moſt fortunate in war, the ſide upon which he ſtood being always victorious, as in the battles of Otterburn, Niſbet, Homildon, Shrewſbury, Benrig, and other leſs important conflicts[1].

1421 In order to induce the Scots to withdraw from France, by bringing them into the hateful predicament of fighting againſt

[8] Bowar, 460. [9] Rymer, X, 123, 30 May 1421.

[1] Bowar, 460, who adds that the diſeaſe was called the *Quhen*.

their

their own king, Henry V determined to have the company of James into France; and, to induce him to compliance, engaged that he ſhould be permitted, three months after their return, to paſs to Scotland for a time, upon giving a number of Scotiſh nobles as hoſtages[a]. But Henry never returned; and his death in the ſucceeding year opened a ſurer proſpect to James of his deliverance from a lengthened captivity. 1421 1422 31 Aug.

The Duke of Bedford being appointed Protector of England, juſtly conſidered it as a ſuperior policy to form an alliance with the Scotiſh king, and deliver him upon ranſom. James was accordingly permitted to ſend for commiſſioners from Scotland, to confer at Pomfret with thoſe of England, whoſe inſtructions were ſufficiently moderate. They were to demand forty thouſand pounds, as a recompence for the maintenance of James while he reſided in England, the name of ranſom being unjuſt and invidious for a prince not taken in war, nor by his tender age capable of arms: they were to take hoſtages for the payment in proportions of two thouſand pounds a year: to offer perpetual peace, or, if rejected, a long truce: to obtain an agreement that no more Scots ſhould proceed to France, and that thoſe already there be recalled: artfully to induce the Scots to demand an Engliſh lady in marriage for the king: and laſtly to proceed upon compenſation of damages if demanded[b]. The Scotiſh commiſſioners probably returned to ſubmit the terms to their government, and to procure ample 1423 6 July

[a] Rymer, X, 125. This inſtrument follows the engagement with Douglas, and bears to have been mediated by that earl, who may perhaps be vindicated on the ſuppoſition that he only intended to follow the fate of his ſovereign.

In 1420 James was a gueſt at the coronation feſtival of Catherine of France, minutely deſcribed by Fabian, II, 176, 177.

[b] Rymer, X, 294. The propoſal of marriage was to originate with the Scots, "cum mulieres regni Angliæ, ſaltem nobiles, non ſoleant ultro virorum connubiis ſe offerre."

inſtructions

36261

1423 instructions; for the final agreement was settled at York, and after a delay of two months[4].
10 Sept.

Murdac the regent had sufficiently learned from experience the oppressive weight, and mortifications, of power, when not supported by abilities[5]. His own sons, instead of being awed by the important office of their father, seemed to share his dignity for the sake of licence, and to regard his authority as a protection for their vices. There is a tradition, the simplicity of which seems to speak its truth, that the regent had a favorite falcon, which his son Walter had often requested unsuccessfully, and at last, vexed with repeated refusal, he tore it from his father's hand, and twisted its neck: upon which Murdac mildly exclaimed, "Since you pay me so little respect, I must invite him whom both must obey[6]."

But whether the regent's consent proceeded from his wishes, or from his weakness, and want of influence and ability to withstand the national desire, it is certain that the Scotish commissioners acted with sincerity. The conclusive treaty only bears that forty thousand pounds should be paid for the maintenance of James, within six years, by half-yearly payments: that hostages should be given: and that the Scotish regent

[4] Rymer, X, 299. Murdac's commission is dated 19 Aug. 1423, gub. 3. ib. 298, whence a doubt may arise that he was not recognized regent till 1420.

[5] To strengthen his authority Murdac procured bonds of service from some of the nobility. That of Mar, dated 20 Nov. 1420, is among Sir James Balfour's papers, MS. Harl. 4694, fol. 22. Mar becomes "man of spalen, duelling, and revenew," to Murdac, excepting allegiance to the king: and Murdac grants him part of the profits of justiciary, of Aberdeen, Bamf, and Inverness; and his natural son Thomas is confirmed in the reversion of Mar and Garioch. After some other clauses, half the rents of Badenoch, Urquhart, and Strathoun, are also assigned to Mar. On such foundations stood the power of the regents.

[6] Boyce, f. v. 358. In Oct. 1423 Murdac swore to the observance of the alliance with France. Du Tillet, f. 136.

should

ſhould ſend embaſſadors, empowered to cloſe the marriage of 1423
James with an Engliſh lady of rank. The laſt clauſe muſt refer to the conſent of parliament, neceſſary to effect the eſpouſal and adjuſt the dower. And a ſpace of time being required to accompliſh theſe affairs, the month of March, in the approaching year, was fixed for the final arrangement. The Scotiſh commiſſioners afterwards proceeded to London, and came under ſolemn engagements to fulfil the agreement, and among other articles undertook to procure four obligations from the burghs of Edinburgh, Perth, Dundee, and Aberdeen, for the whole money to be paid [7].

James ſoon after eſpouſed an Engliſh lady who had long 1424
attracted his affections. This was Joanna daughter of the Feb.
ducheſs of Clarence, niece of Richard II, by her firſt huſband John Duke of Somerſet, fourth ſon of John of Ghent, Duke of Lancaſter, and grandſon of Edward III. The ceremony was performed at the church of St. Mary Overy in Southwark; and next day the Scotiſh king received, as the portion of his queen, a diſcharge of ten thouſand pounds out of the ſum to be paid to England [8]. The hoſtages came to Durham at the appointed time; and James began his long expected journey to his own kingdom. Upon his arrival at Durham, a ſecondary ſet of hoſtages were named, out of which, in caſe of death, any of the former might be ſupplied; and a rental of all their eſtates was given in, which affords an intereſting record of the ſtate of wealth in Scotland at that period [9]. Many Scotiſh

[7] Rymer, X, 299, 302. Henry V only allowed 700*l.* a year for the maintenance of James. Pat. Rolls, 2 H 5, part 3 m.

[8] Rymer, X, 322. Leland Collect. III, 10. Bowar, 474. Caxton's Higden, 1482, f. 412.

[9] Rymer, X, 327, 333. See Appendix. The inſtructions for the meeting at Durham occur Veſp. F. VII, f. 27.

nobles:

1424 nobles and gentlemen now crouded to pay their court to the ſovereign; and James, amid the acclamations of the people,
9 April entered at laſt his own realm [1]. But before proceeding to his memorable and ſpirited reign, it will be proper briefly to review the deeds and fate of the Scots in France.

The year after the arrival of the Scotiſh auxiliaries, we find Henry V uſing the company of James, his captive, as a mean of preventing the hoſtilities of his ſubjects; but without effect, for they continued to ſerve the Dauphin, juſtly regarding their ſovereign's will as ineffectual while under conſtraint. The firſt important action in which the Scots appear is the battle of Baugé, ſo called from a village in Anjou, twenty two miles to the eaſt of Angers. The Dauphin had appointed the Scots, led by the earls of Buchan and Wigton, and Stuart of Darnley, to guard that province againſt the Duke of Clarence, whom Henry V had detached for its reduction. On the twenty ſecond day of March, 1421, the Engliſh when foraging took four Scots, and brought them to Clarence, who thus learned that the Scotiſh army and a few French lay at Baugé. The Duke inſtantly ſprung from the table exclaiming, "Let us attack them, they are ours: but let none follow ſave the men at arms:" and after a quick march he came to Little Baugé, where a few French defended the church, and gained time for Buchan to arrange his troops. The Engliſh aware of this left the church untaken, and advanced; but to a complete defeat. Clarence, diſtinguiſhed by a coronet of gold and jewels upon his helmet, was the firſt ſlain; and a ſimilar fate awaited the Earl of Kent, the Lords Grey and Roſs, and above fourteen hundred men at arms. The Earls of Huntingdon and Somerſet, and many others of note, were made captives. To

[1] Bowar, 474.

reward

reward the Earl of Buchan, who had ſlain Clarence with his own hand, the Dauphin gave him the high diſtinction of Conſtable of France [2]. 1424

In the following year the Conſtable took Avranches in Normandy; and probably learning the agreement which his father-in-law the Earl of Douglas had made with Henry V, he reſolved to detach him from the Engliſh intereſt. For which purpoſe he viſited Scotland, empowered to offer the earl the duchy of Touraine; and Douglas conſented to bring five thouſand men into France. The Dauphin, now Charles VII, rewarded Stuart of Darnley with the lordſhip of Aubigny in Berry; and the family and title were to become not a little illuſtrious. The death of Henry V had checked the Engliſh exertions; and Buchan and Douglas were only ordered to defend the Loire, and prevent the foe from entering Berry [3].

But fortune now became adverſe to the Scotiſh auxiliaries; and two ſucceſſive defeats almoſt extinguiſhed them. The firſt happened at Crevan in Burgundy, in the year 1423. Charles

[2] Des Urſins, 389. St. Remy, (at the end of the anonymous hiſtorian of Le Laboureur,) p. 153. Hiſtory by Berry, aſcribed to Alain Chartier, p. 51. Monſtrelet, c. 239.

Bowar, 459, 460, has curious details. Clarence, after having been pierced with a ſpear by Sir William Swinton, was ſlain by Buchan with a battle-ax. The brothers of the future queen of Scotland were taken priſoners by the Scots. On hearing the tidings, the pontiff Martin V ſaid ludicrouſly, "In truth the Scots are the only antidote of the Engliſh."

[3] Bowar, 463. Jean Chartier, p. 7. Berry, p. 55.

Chartier expreſsly ſays "le duché de TOURAINE" was granted to Douglas, and ſo Berry, p. 60: "ducatus Turonenſis," Bowar, 463: a princely gift! He was afterwards buried in Tours, the capital of his duchy, Bowar, 464. See the grant in Du Tillet, f. v. 136, dated 19 April 1423, extracted from the regiſters of the parliament of Poitiers; and the recognizance of Douglas, as Lieutenant General of France, is publiſhed by the ſame author, f. 136.

1424 Charles VII intended that the Scots ſhould proceed to Champagne, and defend that country againſt Saliſbury; but Aubigny laid ſiege to Crevan, and ſent for cannon, which were refuſed as he neglected his orders. Saliſbury advanced to raiſe the ſiege, and an action enſued in which the Scots were defeated: Stuart of Darnley and Aubigny, conſtable of the Scotiſh army, was taken priſoner; and ſoon after exchanged for the marſhal of Burgundy: Sir William Hamilton, and about nine hundred, were left on the field [4].

The other defeat, which may be regarded as final, happened in the firſt year of James; but the connexion renders its deſcription proper at this place. This was the memorable battle of Verneüil in Normandy, fought on the ſeventeenth of Auguſt, 1424. The archbiſhop of Rheims had been ſent embaſſador to Scotland, to procure a reinforcement, which landed in Bretagne; and Douglas, now Duke of Touraine, advanced to raiſe the ſiege of Yvry undertaken by the Engliſh. But the French king learning that a battle muſt be riſqued, before the place was relieved, aſſembled all his troops, and leaving Tours, with Buchan the conſtable, he met his barons at Chateaudun and advanced to Verneüil. Bedford upon this raiſed the ſiege of Yvry, and marched to meet the French and Scots. Arriving near Verneüil, he ſent a herald to Douglas, who had in deriſion called him John with the leaden ſword, informing him that he had come to drink with him, and that

The gift of Aubigny to John Stuart Sieur d'Ervette, (Darnley,) et de Concreſſault, conſtable of the Scotiſh army, occurs, f. v. 135, dated 26 March 1422. That d'Ervette is a corruption of Darnley appears from Jean Chartier, p. 4, and Berry, p. 58, whoſe cacography is *Dervelle* (for *Dernellé*). Congreſſault, or Concorſault, is a lordſhip in Berry, afterward ſold by the Stuarts to the Monipenies, and had been granted 21 April 1421. Thaumaſſiere Hiſt. de Berry, Bourges, 1691, fol. p. 396.

[4] Jean Chartier, 4, Berry, 53, Hall, f. v. 86, Monſtrelet, II, 8.

he

he would wait till he had that honour. The Duke of Touraine 1424
anſwered that he was moſt welcome; that he had come from Scotland to find him, and he begged him to come quickly. If in theſe minute matters the manner of Plutarch be imitated, it is becauſe it intereſts, and paints men and manners. The battalions were ſoon arranged upon either ſide, and Douglas reſolved not to loſe an advantageous ſtation, but to await the Engliſh: the Vicomte of Narbonne, the French general, unhappily thought otherwiſe, and proceeded with the national raſhneſs which had decided the battles of Creſſy, Poitiers, Azincour. Douglas was forced to follow the example; and the army loſt breath, rank, and ſtation, while the enemy retained all. The French ſent two thouſand to attack the rear of the foe; but they were defeated by the Engliſh archers, and a general rout enſued. The Duke of Touraine, and his ſon-in-law the conſtable of France, and moſt of the Scotiſh-men of note were ſlain: and of the French the Vicomte de Narbonne, the Count D'Aumale, and many other nobles: of common French and Scots fell about four thouſand five hundred. Douglas was honourably interred in Tours, the capital of his ſhort-lived duchy[5]. Such was the event of the battle of Verneüil, which ruined the affairs of Charles VII, till about five years after, when the Maid of Orleans began to revive them. The heroic race of Aubigny, and other particular families and individuals, were afterwards diſtinguiſhed in the wars of France; but this ruinous conflict effectually prevented any Scotiſh auxiliaries from ever viſiting that kingdom in future[6].

[5] Bowar, 463. Berry, 58—60. Jean Chartier, 8. Leland Collect. II, 490. Caxton's Higden, f. 412. Monſtrelet, II, 15. Hall, 88—90.

[6] A few adventurers muſt be excepted, and ſome troops in the reigns of James III and IV, but whoſe actions are not known to hiſtory.

# BOOK IV.

## CONTAINING THE REIGN OF JAMES I.

*Character of James I—parliament—execution of Albany, his ſons, and Lennox—parliament—commercial negotiation with Flanders—parliaments—impriſonment of highland chiefs—repreſentatives for ſhires—treaty with France—inſurrection of Alexander lord of the Iſles—his ſubmiſſion—commercial treaty with Flanders—parliament—truce with England—commotions in the highlands—Engliſh propoſals—heretic burnt—March confined—parliament—death of Mar—Margaret of Scotland wedded to the Dauphin—ſiege of Roxburgh—parliament—aſſaſſination of James.*

1424 AFTER two weak and inactive reigns, and two regencies of no ſuperior character, a monarch is to ſucceed, whoſe government is to be diſtinguiſhed for its novelty and vigour; and the houſe of Stuart is at laſt to know a ſovereign. James had now attained his thirtieth year; and his prime of life was yet further recommended by every advantage, which natural talents, and a complete education, could beſtow. In perſon he was rather under the middle ſize, but endued with ſuch firmneſs and agility as to excell in every manly exerciſe. In wreſtling, in the management of the bow, or the ſpear, in throwing the quoit, in running, in horſemanſhip, he yielded to none. But his mental abilities were yet more conſpicuous.

A man

A man of ſcience and learning, an excellent poet, a maſter of muſic, the fame of his accompliſhments reflected glory even on the throne. Illuſtrious in every perſonal virtue, free from any perſonal vice, his very amuſements adorned his character; his hours of leiſure being frequently dedicated to elegant writing, and miniature painting, to mechanical arts, and to the cultivation of the garden and the orchard [1]. 1424

The features of his government it is more difficult to diſcriminate. If we believe ſome writers, not leſs than three thouſand men were put to death, in the two firſt years of his reign; and after the inroad of Donald Balloch, three hundred highland banditti met with the ſame fate [2]. Happily theſe matters are quite unknown to contemporary and authentic monuments of our hiſtory: the juſtice of James fell only on a few nobles, and ſome chiefs of clans; but the numerous dependants of thoſe victims of equitable ſeverity embraced every occaſion to excite diſcontents, and propagate falſehoods againſt the government, falſehoods which have even paſt into the page of hiſtory, for one of the misfortunes of the houſe of Stuart has conſiſted in the prejudices of ſeveral Scotiſh hiſtorians. If any blame muſt fall, let it fall where it ought, upon the miſrule of the houſe of Albany. To a people who had lived for half a century under a looſe and delegated government, and who had been accuſtomed to regard licence as liberty, it is no wonder that the puniſhment of crimes ſeemed quite a new and ſtrange cruelty: that a ſalutary ſtrength of government ap-

[1] Bowar, II, 504, ſeq. Mair, 309. His poems, The King's Quair, Peblis to the Play, &c. have been repeatedly publiſhed. Eneas Sylvius, afterwards pope Pius II, who viſited Scotland in 1435, deſcribes him as corpulent, "quadratus et multa pinguedine gravis." Deſcr. Aſiæ et Europæ, Paris, 1534, 8vo. p. 415.

[2] Abercr. II, 311, from Hector Boyce, f. 361, a fit authority!

peared

1424 peared deſpotiſm: that a neceſſary and legal taxation aſſumed the ſhape of tyrannic extortion. The commons, led by the nobles, abſurdly regarded the cauſe of the latter as their own, and ſaw not that the king in cruſhing the ariſtocracy was doing the moſt eſſential ſervice to his people. The plans of James were ſagacious and profound, but ſometimes incur the charge of temerity; and while they partake of the greatneſs of genius, they are limited by the want of a ſufficient power in the Scotiſh monarchy for their complete execution. In a word James is fully entitled to the uncommon character of a great ſovereign, in the arts of government and of peace [3].

Eaſter 23 Apr. Upon entering his kingdom, James proceeded to Edinburgh, where he keeped the feſtival of Eaſter; and afterwards advancing to Scone, was there ſolemnly crowned with his queen; 21 May Murdac duke of Albany, as earl of Fife, performing the ceremony of placing his ſovereign in the throne [4]. A truce of ſeven years having been previouſly formed with England [5], James had full leiſure and opportunity to attend to the internal 26 May ſtate of his kingdom; and a parliament commenced at Perth five days after his coronation [6]. With the acts of this parliament begins the regular ſeries of Scotiſh laws, and a new light ariſes upon a moſt important province of hiſtory, that of government and manners. The reiterated theme of battles, and negotiations, may now be diverſified with more intereſting intelligence, and the arts of peace may afford a pleaſing contraſt to the devaſtations of war. In this national council it was

[3] Bowar, 511, records an apophthegm of James, when he was informed on entering his kingdom, that the regencies had left it a ſcene of fraud and rapine, "By the help of God, though I ſhould myſelf lead the life of a dog, I ſhall make the key keep the caſtle, and the buſh ſcoure the cow."

[4] Bowar, 474. [5] Rymer, X, 328, 332.

[6] Acts, edit. 1566, (commonly called the Black Acts, becauſe printed in black letter,) fol. 2.

decreed

decreed that the antient privileges and freedom of the church be confirmed: that the king's peace be firmly held, and no private wars allowed: that no man ſhould travel with more followers than he could maintain[7]: that efficient adminiſtrators of law be appointed through all the realm: that no extortions from churchmen, or farmers, in particular be admitted: that the cuſtoms and borough rates be aſſigned to the king, and mines of gold and ſilver under certain reſtrictions: that the clergy ſhall not paſs the ſea without the king's permiſſion, nor have penſions out of benefices in Scotland: that gold and ſilver ſhould not be exported but upon paying a high cuſtom: that all perſons exceeding twelve years of age ſhould be taught archery: that agriculture be protected by the deſtruction of rooks, and by a prevention from ſetting fire to heathy ground while the corn was ſtanding: that certain cuſtoms be raiſed on horſe, cattle, and ſheep, and herrings, and on furs: that inns be kept in every borough; and no beggars allowed, except permitted by the ſheriff in the country, and in towns by the aldermen or bailies[8]. 1424

Such were the ſalutary regulations of this parliament, many of them beſpeaking political prudence, and others an amiable ſimplicity of manners. But there were two others of remarkable import, and therefore reſerved for a ſeparate conſideration. The firſt orders the ſheriffs to enquire what lands belonged to the crown, under the preceding monarchs David II, and the two laſt Roberts, declaring at the ſame time that the king may ſummon the holders to ſhew their charters[9]. The ſecond impoſes a large ſubſidy, in order to defray the ſum payable to England for the king's maintenance[1]. Though the juſtice of

[7] Acts, f. 2, c. 5. [8] Ib. f. v. 2, f. 5. [9] Ib. f. v. 2.
[1] Ib. f. 3. See Appendix.

theſe

1424 theſe ordinances cannot be queſtioned, yet their policy may. The former, it is believed, produced no effect, except ſuſpicion, and diſcontent, among a number of the ſubjects: and the latter excited an almoſt univerſal diſſatisfaction. Though a ſubſidy to defray the king's ranſom, if taken priſoner, was one of the few taxes authorized by the feudal ſyſtem, yet the preſent circumſtances did not, to the public mind, juſtify the impoſition. The tax conſiſted of twelve pennies in the pound of all ſorts of production, farms, and annual rents, cattle and grain, whether of the clergy, or of the laity, and to continue for two years. Auditors, or chief receivers, were appointed, who in the firſt year collected about fourteen thouſand marks; but in the ſecond year the popular expoſtulations increaſed and prevailed [2]. The conſequence was, that the ſum payable for the king's maintenance in England was never defrayed.

1425 It was not to be expected that the uſurpations of the family of Albany ſhould paſs unrevenged; and James was no ſooner firm on the throne of his anceſtors than he thought of diſcharging this great duty in a ſpirited manner. As their power had continued for a long time, and was deeply rooted in the nation, it was neceſſary to try the public pulſe, and proceed by degrees. Accordingly, in the very commencement of his exerciſe of authority, James had ordered Walter, the eldeſt ſon of the late regent Murdac, into cuſtody; and at the ſame time, probably only to veil his deſigns, and prevent the family of Albany from being regarded as the ſole objects of his reſentment, Malcom Fleming of Cumbernald, and Thomas Boyd of Kilmarnoc, ſhared the ſame fate, but were ſoon after releaſed [3]. The next objects of impriſonment were Duncan

[2] Bowar, 482, himſelf one of the auditors.

[3] Bowar, 481, dates this impriſonment on the 13th May 1424, before the king's coronation.

earl

earl of Lennox, father in law to Murdac, and Sir Robert Graham [4]. At length the public inclination being ſufficiently explored, James ventured on a moſt daring expedient; and ſummoning a parliament to Perth he gave orders to arreſt at once Murdac duke of Albany, and Alexander Stuart his ſecond ſon, with the earls of Douglas, Angus, March, and not leſs than twenty gentlemen of great anceſtry and power [5]. As it is certain that the revenge only extended to the houſe of Albany, and was meant to proceed no further, hiſtorians find ſome difficulty in accounting for the pretext or motive to this large exertion of authority. The pretext might perhaps be, that the priſoners had not complied with the late act of parliament in producing their charters; and as moſt of them, if not all, had been warm ſupporters of the family of Albany, the motive appears more certainly to have been the prevention of any inſurrection in favour of that houſe. Inſtantly upon the ſeizure of Albany, the king took poſſeſſion of his caſtles of Falkland in Fife, and Down in Menteith: Murdac was committed to Carlaveroc caſtle, and Iſabella his ducheſs to Tantallon, places remote from the ſeat of their feudal influence [6].

1425

12 Mar.

That the precaution uſed by James, in ſecuring the friends of Albany, was not vain, may appear from the conduct of James Stuart, the youngeſt ſon of the duke. Having eſcaped his intended arreſt, he, with the aſſiſtance of Finlay biſhop of Liſmore or Argyle, raiſed a band of Highland freebooters, aſſaulted and burned the town of Dunbarton, and put to the ſword Sir John Stuart of Dundonald, uncle to the king, with thirty two men. The monarch, juſtly enraged at this inſult,

3 May

[4] Bowar, 482. This Sir Robert Graham was the ſame who afterwards aſſaſſinated James. Buch. X, 28.

[5] Ibid. [6] Bowar, 483.

1425 ordered the ſon of Albany to be proclaimed a felon; and ſo hot was the purſuit that he was forced, with the biſhop and other accomplices, to ſeek refuge in Ireland, whence they never returned. Five of his band being taken in a few days, ſuffered the moſt ignominious and extreme puniſhment of the law [7].

After a delay of two months neceſſary to collect ſufficient proofs of Albany's guilt, and to prepare the minds of the
18 May people, James adjourned the parliament to Stirling, and this important trial was inſtituted. The jury conſiſted of twenty one members of parliament, all of whom, as forming only one houſe, were in Scotland regarded as peers [8]. The judge was the king himſelf, ſitting on the throne of juſtice, with all the pomp of royalty; and this uſual practice of the monarch preſiding in his own cauſe may be vindicated from the ancient ideas concerning a jury, who were eſteemed arbitrators of fact and of law, the judge being only the organ of their verdict. It is remarkable that among the jury we find Walter Stuart earl of Athole, Archibald earl of Douglas, William earl of Angus, George earl of March, and three gentlemen who had been arreſted with Albany [9]. As by the Scotiſh law a majority was ſufficient to condemn a priſoner, this jury ſeems to have been artfully managed, in order to remove any ſuſpicion from the king, and to throw the ſeverity of the verdict upon Albany's own adherents. Walter the regent's eldeſt ſon was firſt tried,
24 May found guilty, and inſtantly beheaded; any delay ſerving no purpoſe in ſuch a caſe but to create danger. Being a man of tall and comely ſtature, eloquent and affable, he was rather regreted. Nor did the vulgar voice leſs commiſerate his brother's gigantic ſhape, the former authority of Albany, the

[7] Bowar, 483.
[8] Home, lord Kaims, Hiſt. Law Tracts, 272.
[9] Bowar, 483.

venerable

venerable age of Lennox, a nobleman approaching his eightieth year, who were all three executed on the following day [1]. 1425
We are left in the dark concerning the oſtenſible grounds of their condemnation; but it is probable that their ſeizure of the royal lands, and property, formed a chief article. The eſtates of Fife, Menteith, and Lennox, with others, thus became the property of the crown, and contributed in ſome degree to compenſate the defalcations, which had happened under the regencies [2].

It muſt not be omitted that, in the ſecond parliament of this reign, held at Perth as above mentioned, ſeveral prudent laws were paſſed, for the more effectual puniſhment of thoſe who infringed the acts of the national council [3]: for preventing any leagues among the ſubjects, an edict evidently pointing to the preſent circumſtances of Albany's adherents; as does another, puniſhing the receivers of rebels by forfeiture, and another noted ſtatute condemning to death and confiſcation all guilty of propagating falſehoods between the king and the people. Other laws of this aſſembly contain regulations relating to trade and agriculture, and the adminiſtration of juſtice; on which laſt head it is ordered that all the inferior judges abide by the ſtrict tenor of the law, and that the king may warn them ſo to do, as well thoſe within regalities as others: that if a poor perſon cannot fee an advocate, the king ſhall provide one: that if the ſovereign pardons, on condition of the damage being compenſated to the plaintiff, conſideration

[1] Bowar, 483. The Coupar mſs. ib. note, ſays Walter Stuart was convicted of *robbery*; a hint that the depredation of the royal domains, and revenues, was the chief charge againſt all the criminals.

[2] But the eſtate of Lennox was not forfeited, and continued in a kind of abeyance. Douglas Peer. 397.

[3] Acts, f. 6.

1425 be had of the highlanders who before the king's return were uſed to rob and kill each other, for from them the compenſation cannot be raiſed, but from the lowlanders [4].

Aug. While James was celebrating the anniverſary of his birth at St. Andrews, attended by Douglas, Mar, Murray, Angus, and other nobles, he gave audience to the Flemiſh embaſſadors who had been deputed to ſettle ſome commercial differences. The Scotiſh merchants had, during the regencies, been treated with great arrogance, nay even letters of marque had been iſſued againſt them, in Flanders, which, with the duke of Burgundy, ſuſtained the Engliſh party againſt France. James had in conſequence ordered the Scotiſh trade to be transferred to Middleburg in Zealand; but upon the offer of compenſation, and enlarged privileges, by the embaſſadors, the commerce was reſtored to Flanders [5]. As Venice was the grand ſeat of trade between Aſia and Europe, ſo Bruges in Flanders was the commercial link, which connected the merchandize of Venice, and the ſouth of Europe, with its northern countries. Moſt articles of manufacture being alſo imported from Flanders by the Scots, who were yet little verſed in the arts of induſtry, it is no wonder that the Flemiſh were eager to retain a com-

[4] Acts, f. 6—8. The officers of ſtate appointed by James appear, from Scotſtarvet's Calendars, to have been, John Cameron biſhop of Glaſgow chancellor; Sir John Foreſter chamberlain; Myrton dean of Glaſgow treaſurer; Robert Lauder of Baſs juſticiary; Walter Ogilvy maſter of the houſehold; John Shevis clerk of regiſter; William Foulis ſecretary, afterwards keeper of the privy ſeal; John of Spens comptroller.

On the 8th June 1425, James iſſued a commiſſion to Henry biſhop of St. Andrews, authorizing him to reſume all alienations from the church, with power of anathema, and orders to all juſticiaries to aſſiſt. This curious paper is preſerved in Harl. MS. 4637, Vol. III, f. 189, with an unimportant deed of that patriotic prelate, 18 April 1414.

[5] Bowar, 487.

merce,

merce, which was one great cauſe of impoveriſhing Scotland, 1425
and contributed not a little to the riches of Flanders.

It is with much complacency that this narration now proceeds with the hiſtory of peace, for which ample materials begin with this reign to be found in Scotland. In a third 1426
parliament, it was ordered that all merchants ſhould import 11 Mar.
ſome armour, and arms, with their cargoes[6]: that all the lieges ſhould be governed by the laws of the realm, and not by particular laws, or privileges, or by the laws of other countries: that no man, who had accuſed another, ſhould be of the jury on his trial: that the prelates, earls, barons, and freeholders of the king, ſhould appear perſonally in parliament, and not by procurators, except on lawful cauſe: that the books of the law be examined, and reformed: that to ſupport the inns, travellers ſhould lodge in them, and not with friends: that none ſhould paſs into Ireland without licence, as the rebels had been there received, nor ſhould the Iriſh come to Scotland as they might be ſpies for the Engliſh: that a court of ſeſſion be inſtituted, the chancellor, and certain diſcreet perſons of the three eſtates, to ſit thrice a year, for a period of time, and hear all cauſes: that they who have nothing ſhall labour for their living: that the acts of parliament be regiſtered, and copies given to prelates, barons, and burgeſſes, at their expence[7]. This laſt act was particularly neceſſary, in order to render the parliamentary inſtitutions known, and practical: and after all it is recorded, as an apophthegm of Buchanan, that in Scotland one great act of parliament was wanted, namely a decree to enjoin the ſtrict obſervance of the others. For a chief part of government, though unobſerved by politicians, reſts in the ſpirit of the people: laws are vain

[6] Acts, f. 4. 8. [7] Ibid. f. v. 11.

without

1426. without manners: and a nation, accuſtomed to looſe miſrule, regards even law as a part of its licence, as a ſermon and not as a duty, as a ſplendid theory and not as ſolid practice. In a ſpecial aſſize of this parliament, regulations were introduced into weights and meaſures, and proviſions were made againſt the fatal effects of domeſtic fire [1]. The frequent aſſembling of the national council does great honour to James, for monarchs inclined to deſpotiſm have ever trembled to meet the repreſentatives of their people; and the acts reflect praiſe on the patriotiſm and the wiſdom of the inſtitutors.

To renew the treaty with Denmark, and adjuſt the debt due to that kingdom for the dereliction of the Hebudes to
May Alexander III, the Scotiſh king ſent Sir William Crichton his chamberlain, and two other envoys, to Bergen; where, the debt being completely cleared, an amicable arrangement was
29 July ſigned [2].

30 Sept. Another parliament, held in the ſame year [3], after ſome regulations concerning trade and agriculture, ordered that every lord beyond the Grampian mountains, in whoſe lands ancient caſtles ſtood, ſhould repair and dwell in them, or at leaſt one of his friends, in order to govern the country and expend the produce in the territory. To give an example James commanded the caſtle of Inverneſs to be repaired [4]: and finding that the highland chiefs were ſtrangers to his laws and government, he reſolved to inculcate into their obduracy ſome principles of good order by a ſalutary ſeverity. The Lords of the

[1] Acts, f. 12. The date is 11 March 1426, which by modern computation is 1427, but the next acts are of Sept. 1426: the miſtake ſeems to have ariſen from this parliament having ſitten till after the year 1426, commenced on the 25th March.

[2] Torf. Orc. 198—205. Bowar, 509.

[3] Acts, f. 14. Compare Glendook's folio edition, p. 12.

[4] Bowar, 488.

Iſles

Iſles in particular, by their conſtant confederacy with England, 1426
and repeated inroads, well deſerved a ſignal chaſtiſement. In purſuance of theſe motives, certainly juſt and laudable, the king aſſembled a parliament at Inverneſs in the ſpring, which 1427
the highland chieftains were ſpecially ſummoned to attend; and ſuddenly arreſted Alexander Lord of the Iſles, and his mother the Counteſs of Roſs, Angus Duff leader of four thouſand Mackays of Strathnavern, Kenneth More chief of two thouſand, John Roſs, William Leſley, Angus Moray, and Macmaken, each alſo a chief of two thouſand; and in ſhort about fifty principal heads of lawleſs clans. Two of them, leaders of a thouſand each, were inſtantly tried, condemned, and beheaded; and one, who had murdered the late Lord of the Iſles, was alſo executed in impartial juſtice. The others were ſcattered, as priſoners, among the caſtles of different lords through the kingdom; and after a time ſome were condemned to death, and ſome were reſtored to liberty. The Lord of the Iſles and his mother were retained in captivity till, apparently after a year or more, the former was delivered, while the latter ſeems in vain to have been retained as an hoſtage for his fidelity [3]. Such were the proceedings upon this occaſion, which by ſome have been termed ſanguinary; but, if neceſſity be the tyrant's plea, it is alſo that of law and of juſtice. Lenient and conciliatory meaſures would have had the ſame effect as muſic upon the deaf, and could have ſerved no end but to increaſe the pride of theſe chieftains, and to debaſe the laws and the monarchy. Perhaps it might however have proved more political if James, upon the capture of the

[3] Bowar, 488, 489. She was daughter, and heireſs, of Sir Walter Leſley, who, with his brother Norman, took Alexandria in the time of David II, and had a French title. Ib.

chiefs,

1427 chiefs, had inſiſted upon receiving their ſons, or neareſt relations, as hoſtages; and thus not only have had pledges for their good behaviour, but alſo an opportunity of contributing to civilize the highlands by beſtowing on the future chiefs a proper education: a conduct which might have paſſed into a perpetual rule. But in the choice of difficulties it is almoſt impoſſible to ſeize the exact mean; and if equity enforce the acknowledgement that James was apt to do too much, and too little, the peculiarities of the country, and of the time, muſt come in for a ſhare of the blame.

8 July It was ordered in a parliament, held at Perth, that thoſe burgeſſes who were ſummoned to parliament, and were abſent without lawful cauſe, ſhould be fined in ten pounds each: that the lawſuits of Scotiſh merchants in Zealand, Flanders, or other foreign countries, be decided in Scotland: and ſeveral acts appear for the puniſhment of murder and felony [4].

1428 March The next year is diſtinguiſhed by a conſiderable innovation in the Scotiſh conſtitution. An act of parliament paſſed that the ſmall barons or freeholders, might diſpenſe with their attendance in the national council, upon appointing two commiſſioners from each ſhire: theſe repreſentatives were to have the privilege of chuſing the ſpeaker of parliament; and the expence of their attendance was to be defrayed by thoſe who July formerly owed that duty [5]. Another remarkable decree afterwards appeared, enjoining the ſucceſſors and heirs of prelates and barons, to take an oath of fidelity to the queen [6]; an in-

[4] Acts, f. 15—17. In the original the date is 1426, but errors in the numerals are not uncommon in the ſtatutes, and it is acknowledged in the preface that the copyiſts have often fallen into miſtakes. The 22d year of the king, and tueſday being the 1ſt of July, monday the 7th, are circumſtances which fix 1427, the dominical letter being E.

[5] Ibid. f. v. 17. [6] Ibid. f. 19.

ſtitution

ſtitution probably pointing to her regency, in caſe of the king's demiſe, and the immaturity of the prince. 1428

Some trifling negotiations had taken place in the preceding year with England, now governed by the duke of Gloceſter and cardinal Beaufort; but James, though indebted to that kingdom for an education excellent and truly royal, to which, and to the ſchool of adverſity, he owed the expanſion of his talents, had yet no reaſon to be ſatisfied with the generoſity, or the friendſhip, of the Engliſh court[7]. The Scotiſh monarch was therefore well inclined to follow the former tide of politics towards France, whoſe king Charles VII was ſtill in a moſt reduced ſituation, and nearly overwhelmed by the power of England and Burgundy. Reſolved by every conceſſion to procure the aid of Scotland, Charles diſpatched the Archbiſhop of Rheims, and John Stuart, Count de Dreux and Lord of Darnley[8], for that purpoſe. In conſequence of their inſtructions, the embaſſadors offered to conclude a contract of marriage between Louis the Dauphin, afterwards Louis XI, and Margaret the eldeſt daughter of Scotland, both then infants, upon condition, that James ſhould ſend ſix thouſand effective men to the aſſiſtance of Charles, being the only dower required. The princeſs was nevertheleſs provided in an income, and contingencies, as ample and honourable as had been ever granted, upon any royal marriage of France. Such terms could not be refuſed; and the contract was ſigned and ratified. Nay, the two monarchs mutually ſwore to obſerve the former

[7] Rymer, X, 376, erroneouſly aſcribes a commiſſion of James IV to the biſhop of Moray, for a perſonal conference with Henry VII, to this year; miſtaking the 22d of James IV, 1509, for the 22d of James I, 1427. Abercromby, who eaſily miſleads and is miſled, has fallen, II, 280: Guthrie, III, 315, 316, is as uſual ludicrouſly wiſe upon the occaſion, though the miſtake had been detected by Keith, Biſhops, 87. Henry VI was only ſix years of age.

[8] *Aubigny* was now in abeyance?



alliances,

1428 alliances, entered into between their kingdoms: and Charles assigned to the Scotish king the county of Xaintonge, and Lordship of Rochfort[9]. The six thousand men were to be sent when the French fleet arrived to transmit them; but the state of affairs, which changed in favour of Charles the following year, rendered the maid of Orleans an object of greater attention; to the increasing prosperity of France the aid was unnecessary, and was never sent, nor demanded; but as no infringement could be charged, the treaty of marriage maintained its force, and seven years after was fully completed.

1429 The government of England was rather alarmed at this new connexion between Scotland and France, and an interview was proposed between James and cardinal Beaufort: the king 10 Feb. was to be attended by a thousand horse, and the cardinal obtained permission from the English court to meet him either on the borders, or in Scotland[1]. But the interview was apparently not carried into effect, and was perhaps found to be unnecessary, as the French alliance did not actually occasion any infringement of the truce.

The Lord of the Isles, who had been at last set at liberty, after many admonitions and injunctions of fidelity, soon indulged his revenge by gathering his lawless bands, and burning

[9] MS. Leagues France and Scotland, Harl. 4244, sub anno, signed by James 19 July, by Charles 29 Oct. 1428. Instead of Xaintonge, the duchy of Berry was offered, ib. but neither was actually given, though the former was afterwards claimed by our monarchs. These deeds also appear in Du Tillet's Recueil, Paris 1588, folio, with the oath of the Scotish *queen*, prelates, &c. to observe the treaty, f. 138.

In 1427 some Scots were in France, under Kennedy; and assisted La Hire in the noted relief of Montargis. Jean Chartier, p. 495.

[1] Rymer, X, 410. On the 1st Dec. 1428 a safe conduct had been issued to James, to meet the cardinal at Durham or Newcastle, ib. 403; but the king rejected the proposal. Yet he renewed the truce, 12 July 1429, ib. 428.

the

the town of Inverneſs. James, juſtly enraged, collected an army, and overtook the invader in a marſhy ground near Lochaber; where the freebooting lord was totally defeated. His forte conſiſted of about ten thouſand men, of whom two clans, Chatan and Cameron, on the ſight of the royal ſtandard, acceded to the king[1]. The Lord of the Iſles, reduced to deſpair, ſent an embaſſy to entreat peace; which being refuſed, he reſolved to put himſelf entirely in the king's mercy. For which purpoſe he came privately to Edinburgh, and on a ſolemn day, only attired in his ſhirt and drawers, he [illegible]fore the high altar of Holy Rood Church, upon his knees preſented his drawn ſword to the king, in the preſence of the queen and many nobles. His life was granted, in conſequence of his humble ſubmiſſion; but he was committed to the caſtle of Tantallon, under the care of his nephew the earl of Angus; and his mother, the counteſs of Roſs, to the iſland of Inch Colm in the firth of Forth[2]. 1429 23 June 27 Aug.

A commercial league of one hundred years was entered into between Scotland and Flanders[4]. The latter country had, in 1384, paſſed to the dominion of the houſe of Burgundy by marriage; and this treaty was concluded with Philip III duke of Burgundy, who in 1430 was to become alſo duke of Brabant, and in 1433 earl of Holland and Hainault; united principalities, which ranked him among the chief potentates of Europe.

Several patriotic regulations were iſſued by the parliament concerning the forms of procedure; and a ſumptuary law was 1430 March

[1] Bowar, 489, who adds that on the 20th March following, 1430, the former clan ſurprized the latter in a church, and deſtroyed almoſt all its people.

[2] Ibid. 490.

[4] This alliance is referred to on its renewal in 1530. Harl. ms. 4637, Vol. III, f. 16.

1430 paſſed, permitting no men to wear ſilk, or furs, except lords, and knights, and their eldeſt ſons and heirs. The different ſorts of armour, and arms, to be uſed by various ranks of perſons, were accurately preſcribed: and it was ordered that the ſame laws ſhould be obſerved in relation to wrecked veſſels, as were uſed in the countries to which they belonged: and that advocates ſhould ſwear to their belief in the juſtice of the cauſe which they pleaded. All Scotiſhmen, who travel to England without the king's leave, are declared traitors; and, by a remarkable decree, all barons and lords, having lands on the weſtern or the northern ſeas, particularly thoſe oppoſite to the iſlands, are enjoined to furniſh a certain number of galleys, according to the [illegible] of their tenures[5]. The want of a fleet, to keep the iſlands in due ſubordination, muſt have ſuggeſted this laſt inſtitution: the policy was laudable, and it muſt be allowed that James attempted more than all his predeceſſors to join the diſcordant parts of his kingdom in firm and compact union; but this decree, like moſt other Scotiſh acts of parliament, ſeems to have been carefully eluded.

16 Oct. The proſperity of James was further advanced by his becoming the father of male-twins, one of whom, James, was to aſcend the throne upon the premature death of his father; but Alexander, the firſt-born, died in early infancy[6].

1431 1 May The truce with England being on the point of expiration, was renewed for five years[7]: and the wiſdom of the Scotiſh monarch preferred to the vain glory of war his patriotic cares for the eſtabliſhment of law and order in his dominions. For

[5] Acts, f. v. 19—f. 22. [6] Bowar, 490.

[7] Rymer, X, 482—488. This truce appears to have been ſettled at Edinburgh in Dec. 1430. See the inſtructions, Feb. Veſp. F. VII, f. 43. On the 24th May 1430 Martin V granted to James, and others, an abſolution from the oaths taken in England. MS. Harl. 4637, Vol. III, f. 155.

unknown

unknown cauſes James ordered the Earl of Douglas, and Sir 1431
John Kennedy, his own nephews by the maternal ſide, to be impriſoned. Perhaps Douglas had been guilty of ſome private practices with England; or the king wiſhed to ſecure the peace of the ſouth of Scotland, while he was employed in quelling the northern inſurrections, by retaining Douglas its chief leader in captivity. Conjecture wanders in ſuch enquiry; but it is certain that Douglas remained a priſoner till the end of September this year; when the king in a parliament, held, as uſual, at Perth, conſented, at the requeſt of the queen, nobles, and prelates, to deliver both Douglas and the lord of the Iſles[8].

Meanwhile, in ſpite of all the endeavours of James, the highlands remained in a ſtate of conſtant rebellion and ſavage anarchy. In Strathnavern Angus Duff, and Angus Moray, both of them lately delivered from the impriſonment ordered at Inverneſs, met in conflict with twelve hundred men upon either ſide; and ſo fierce was the encounter that hardly nine of the whole were left alive[9]. Donald Balloch, a relation of the Lord of the Iſles, landed in Lochaber with a conſiderable force; and finding Alexander Stuart Earl of Mar, and Alan Stuart Earl of Caithneſs, ſtationed at Inverlochy, to defend the weſtern coaſt, he attacked them, though leaders of a larger number; and put them to a total rout. Alan, who was the ſon of Walter Earl of Athol, was ſlain, with ſixteen ſquires of his own family, and many others: Alexander, and the remainder eſcaped by flight. Donald, conſcious of the atrocity of his offence, took immediate refuge in Ireland[1].

[8] Bowar, 490.

[9] Ibid. 491. Angus Duff was the chief of the noted Mackays of Strathnavern, ib. 489.

[1] Bowar, 491. Boyce, f. 361, fables that James ordered three hundred of Donald's followers to be executed.

Another

1431 Another ſubſidy was attempted to be raiſed this year, in order to ſubdue the northern rebels; but with what ſucceſs it was levied, is not apparent [1].

1432 After a ſhort period, condemned to the ſilence of hiſtory, but which probably paſſed in quieting the commotions in the highlands, of which no further intelligence occurs during this 1433 reign, the ſcene of public affairs again opens. The Engliſh government, ſufficiently alarmed at the declining ſtate of their power in France, became more and more anxious to prevent the now impending completion of the marriage treaty between that kingdom and Scotland: and for this purpoſe ſent Lord Scrope to the court of James, with offers of great advantage. His propoſals were a firm and perpetual peace, and the reſtitution of Roxburgh and Berwick, and every portion of territory which Scotland could juſtly claim [2]. There is reaſon to believe that the Engliſh were ſincere; but the honour of the king and of the nation, and the mutual intereſts of France and Scotland, were motives momentous enough to cauſe the rejection of even ſuperior terms. The diſcuſſion of this affair Oct. ended rather ludicrouſly. A parliament being called at Perth, the propoſitions were agitated before the king, in the Dominican Church; and the nobles and prelates ſeemed to accept the terms, ſaying that peace and liberty were the objects of their chief deſire. But the abbots of Scone and Inchcolm, fitter aſſiſtants at a monaſtic diſpute than at a public deliberation, aſſerted that the Scotiſh king could not treat of peace with England, becauſe of the confederacy with France, which

[1] Acts, f. v. 22, c. 146. See Appendix. Bowar, 482, forgets this tax, though he was again one of the auditors.

[2] Bowar, 498. In Veſp. F. VII, f. 53, is a paper 23 July, (21 H 6, 1433,) being an anſwer to the credence of Roulle, the envoy of James, and promiſing that lord Scrope ſhould ſoon be ſent to promote peace.

had

had been examined by the univerſity of Paris, and confirmed by the Pope. Other objections were alſo ſtarted; and the day being waſted in diſcuſſion, it was agreed to reſume the ſubject on the morrow, when John Fogo, abbot of Melroſe, alledged, on the other ſide, that [illegible] perſon could abide by the divine laws, who depended on the will of another; and that no king could lawfully ſwear to another that he would not make peace with a third, except by the conſent of the ſecond. Violent altercations among the clergy now aroſe; the parliament was transformed into a hall of eccleſiaſtic diſputes; and as ſuch diſputes never decide any thing, the members ſeparated without determination, only the very want of deciſion left the alliance with France in full force; and the Engliſh propoſitions were conſidered as rejected. Lindoris, the inquiſitor, called Fogo to account for his ſentiments, as ſavouring of hereſy; and Fogo retorted by ſeveral epiſtles, but was at laſt forced to make conceſſions [4]. This ſtrange affair calls to remembrance the latter hiſtory of the Greek empire, when vehement churchmen ruined the national concerns by idle diſputes; and ſo totally uſeleſs is learning out of its place, that a ſenate of American ſavages, exerting only their plain ſenſe, would have diſcuſſed ſuch a ſubject with far more ability than all the abbots in the world. To complete the abſurdity, the Scotiſh churchmen gave out that the only intention of England had been to excite ſchiſms and hereſies in Scotland [5]; as if the very idea of ſuch imbecility could fall within the conception of any political mind. 1433

The clergy had, in the preceding part of this year, exerted their power in a manner yet more blameable. Paul Crawar

[4] Bowar, the abbot of Inch Colm, 499, 500.

[5] Ibid. 499. A letter of James to the Council of Baſle, Aug. 1433, occurs in Martene's Anecdota, Paris 1729, folio, Tom. VIII, p. 615.

a German,

1433 a German, and a follower of Huſs, having come from Prague to Scotland, where he exerciſed medicine, was called to account for his opinions by Lindoris the inquiſitor, condemned, and burnt at St. Andrews[6].

1434. James proceeded in his ſchemes of humbling his nobility, ſchemes too great for his powers of execution. The earls of March had been long remarkable for their dubious fidelity to Scotland, and repeated ingratitude to its ſovereigns: nor was the memory of the late revolt, and the miſchiefs which it had produced in the preceding reign, extinguiſhed. Having therefore quelled the iſles and highlands, which, as the moſt important office, engaged his firſt cares, the king reſolved to complete his own power, and that of his kingdom, by removing the family of March from a territory which had been the free gift of a Scotiſh king to an Engliſh exile, and by placing that houſe in a more northern and ſecure part of Scotland. In purſuance of this juſt and prudent plan, James ordered the earl of March to be confined in the caſtle of Edinburgh, and took poſſeſſion of the fortreſs of Dunbar, the chief ſeat of the family[7].

1435 A parliament being ſummoned, two clergymen, and ſeven
20 Jan. commons, were appointed to hear and report all cauſes during

[6] Bowar, 495.

[7] On the 1ſt Feb. appear inſtructions to lord Fitzhugh, concerning the redreſs demanded by James for ſome Scotiſh ſhips taken at ſea. Veſp. F. VII, f. 57, original ſigned by the Engliſh council. Of the 7th Feb. ib. f. 58, is a credence to Mr. Stephen Wilton, envoy to Scotland. As to the propoſed marriage between Henry VI, (now eleven years of age,) and a daughter of James, it had often been deliberated; but the council heſitated, and referred it to Henry's kindred; ſo a great council was to meet at Eaſter in London, and their opinion ſhould be remitted to James. Dragon purſuivant had lately been ſent to Scotland concerning the march infractions. His inſtructions occur, ib. f. 49.

[8] Bowar, 500.

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the ſeſſion[9]; an inſtitution not explained, but apparently intended for expediting this particular buſineſs, and quite diſtinct from the committee of lords of the articles, who are known as early as the reign of David II. The king's advocates alledged that the father of March having engaged in open rebellion againſt the kingdom, it was not in the power of Robert duke of Albany the regent, to pardon him, a privilege belonging to the crown only; but that the eſtates were forfeited: and that, by the laws of Scotland, all alienations of crown-lands, to which deſcription the forfeited eſtates of March belonged, were void, when made during the minority, or captivity, of the ſovereign. After a long debate the parliament decreed by the mouth of David Dempſter the ſpeaker, that the eſtates of March were forfeited, and remained a part of the royal property[1]. The king completed his deſign, by immediately granting to March the earldom of Buchan, which had ſome time before reverted to the crown[2]. The only other act of this parliament engages all the members to give written promiſes of fidelity to the queen[3]: and it ſeems that James was not unaware that his public ſpirited meaſures laid him open to attempts of private revenge: a ſuſpicion, alas, too ſoon to be verified. 1435

A conſiderable property accrued to the crown, by the death of Alexander earl of Mar, a perſonage repeatedly mentioned before. This nobleman had debaſed his youth by bad actions; but, in the latter part of his life, had acquired no ſmall reputation in foreign wars. Being a natural ſon of Alexander, the fourth ſon of Robert II, his eſtates and effects, as provided

[9] Abercromby, II, 292, gives their names.

[1] Ibid. Acts, f. v. 23.

[2] Bowar, 500. The earl of Buchan, killed at Verneüil 1424, left only a daughter. Stewart's Gen. 115.

[3] Acts, f. 24.

1435 by the old Scotiſh laws concerning baſtardy, fell to the king[4]. There may be a ſurmize that Walter earl of Athole, only ſurviving uncle of the king, being alſo uncle of Mar, who left no ſurviving iſſue[5], had entertained ambitious hopes of adding this contiguous earldom to his own, and that of Strathern, which the king had beſtowed on him eight years before; and that his diſappointment was one incentive to the atrocious murder of his nephew and ſovereign, if he really was concerned in that crime.

An infringement of the truce happened on the part of England. Sir Robert Ogle younger, in ſupport of one of
10 Sept. the rebels againſt James, entered Scotland with a conſiderable force, and ravaged the country about Halton and Paxton. After a conflict, in which about forty were ſlain, Ogle was defeated, and made priſoner with moſt of his followers, by William earl of Angus, Hepburn of Hailes, and Ramſay of
30 Sept. Dalhouſie. James warmly remonſtrated to the Engliſh court againſt this wanton infraction[6].

1436 The dauphin of France having now attained his thirteenth year, and the Scotiſh princeſs her twelfth, it was reſolved to complete the marriage. Two French envoys arrived, to betroth the bride; and ſhe was ſent to France attended by a ſmall fleet, and an honourable train, of which the chief perſons were William Sinclair earl of Orkney the admiral, and John biſhop of Brechin. The others amounted to ſixteen knights and ſquires, and a hundred and forty young gentlemen: they were guarded

[4] Bowar, 500.

[5] Mar's ſon Thomas died before his father. Sutherland Caſe, ch. V, p. 48.

[6] Bowar, 500, ſays Ogle was defeated at Piperden. The date is aſcertained by the correſpondence of James and Henry on the ſubject, mentioned in the long inſtructions of the Engliſh council for redreſs, Veſp. F. VII, f. 48, dated 5 Feb. regni 14=1436. This inroad is ludicrouſly magnified by our hiſtorians.

by

by a thouſand armed men, in three galleys, and ſix barges. 1436
The Engliſh government, irritated at the rejection of their propoſals, ſent out a fleet of one hundred and eighty veſſels, to intercept the princeſs; and they awaited her appearance in the channel. Meantime a number of Flemiſh merchant ſhips appeared, loaded with wine from Rochelle, which were captured by the Engliſh, but a Spaniſh fleet ſuddenly approaching recaptured the prizes. During theſe conteſts, the royal bride arrived ſafe at Rochelle, being forced to reach that part of May
France, as the Engliſh and their allies poſſeſſed the north: and a diſpenſation of age being granted by the archbiſhop of 13 June
Tours as dioceſan, the marriage was ſoon after ſolemnized. 6 July
Though James was, by the feudal law, entitled to a ſubſidy from his people upon this occaſion, yet he had diſcovered from experience their inability, or diſinclination, to pay any tax; and he was contented with the contributions of the principal laity and clergy, which were not a little liberal [7].

The unhappy bride had paſſed to a huſband of famed malignity; and not all her prudence, her wit, her love of learning, her taſte for poetry, her affability, could ſave her from the pangs of domeſtic diſtreſs. After an unfruitful marriage of nine years, her extreme delicacy of mind cauſed her to fall a ſacrifice to a vague word of a villainous courtier [8].

Enraged at the manifeſt hoſtility committed by the Engliſh, in the attempt to intercept his daughter, the delay of redreſs for the incurſion of the former year; and probably deſirous of

[7] Bowar, 485, 482. A minute account of her reception in France, and marriage, may be ſeen in the Hiſt. de Charles VII, par Jean Chartier, edit. Louvre 1661, fol. p. 91. The diſpenſations, and other papers relating to the marriage, may be found in the curious hiſtory of Louis XI by Duclos, Haye, 1750, 8vo. Tome III. p. 4—15.

[8] See the notes on the year 1445.

1436 preventing any machinations of his nobility, in conſequence of his vigorous meaſures, James reſolved upon a war with England: a ſtep to which he might alſo have been induced by his treaties with France, now completed by the marriage of the dauphin and Margaret. He ſummoned the whole array of his kingdom, computed at nearly two hundred thouſand men, mounted on ſmall horſes, but not entitled to the appellation of cavalry, and yet a greater number of rude infantry, and looſe attendants on the army. With this unwieldy force
1 Aug. he beſieged Roxburgh; and after waſting fifteen days, and almoſt all the miſſive arms of the kingdom, he was forced to abandon the ſiege, and return inglorious[a]. Such is the account of our monaſtic hiſtorian, whoſe conſtant warmth in the praiſe of James, juſtifies his candour. Latter writers, upon no authority, ſay that the king diſmiſſed his army becauſe he heard of a conſpiracy, which would have been the beſt reaſon for retaining it. The real cauſe ſeems to have been that James found that he was conſuming his own kingdom by ſo numerous an hoſt, and could not diſmiſs a part, without an affront; or that the ſpirit of the nobles, ſhewn under his ſucceſſors, began to operate in a contempt of the regal authority, and in the ſacrifice of their country to their reſentments.

22 Oct. The laſt parliament of James I met at Edinburgh. It was decreed that jurymen ſhould ſwear that they had received no bribes:

[a] Bowar, 502. He eſtimates the force at 400,000! But "inglorii remearunt." The affair is ſingular, and rather obſcure. Harding, c. 229, 230, ſays that the connexion of James with Burgundy led him to this invaſion, and that he fled on Northumberland's advancing with 80,000 men. The nobles probably ſhewed their diſcontent by diſſenſion, as in the reigns of James III, and V. Burgundy had abandoned the Engliſh intereſt in 1435, and James was in ſtrict alliance with him.

that

that treſpaſſors may be accuſed at the king's inſtance, though no private proſecutor appear: that, to ſecure the importation of bullion, merchants ſhould bring three ounces of bullion for every ſack of wool exported, and a ſimilar rate for hydes, and Hamburgh barrels: that no perſons be permitted to remain in taverns after nine o'clock at night: that no Engliſh goods be brought into Scotland, and that no Engliſh man import ſuch except by ſpecial permiſſion: that no Scotiſhman ſell ſalmon to the Engliſh, except the latter have ſafe conduct and pay Engliſh gold: that no Scotiſhman buy wine of certain Flemings in Scotland: that no perſon be permitted to remove gold, ſilver, or jewels, out of Scotland [1]. The commercial regulations ſeem more calculated to fetter, than to encourage, trade; but it was long before the real ſpirit of commerce was underſtood, even in more enlightened countries. 1436

The cruel terminating ſcene of the life of James approaches. A very minute, and intereſting, account of this melancholy tranſaction is contained in a manuſcript of the period, hitherto unknown to our hiſtorians, and which ſhall be here followed [2]; and it is hoped that the ſingularity, and importance, of the ſcene will afford a ſufficient excuſe for a degree of prolixity. 1437

Sir Robert Graham uncle of the earl of Strathern, afterwards of Menteith, had been impriſoned in 1425, as is above mentioned, but the cauſe is unknown. Two years afterwards James had reſumed the earldom of Strathern, upon pretext, as ſeems, that it was confined to heirs male; and had given it to his uncle Walter earl of Athole for his life: aſſigning, in recompence, that of Menteith to Malis Graham, the former

[1] Acts, f. 24, 25.

[2] This memoir is printed in the appendix, and is not only extremely curious and important in itſelf, but as it preſents a ſpecimen of the Engliſh language between the time of Chaucer and that of Forteſcue.

earl

1437 earl of Strathern [3]. Robert Graham may have been diſcontented at this exchange of his nephew's dignity; but it is not eaſy to conceive that his wrath upon this account could have excited him to the murder of his ſovereign, and far leſs that he could have wiſhed to ſerve the ambition of Athole, to whom his nephew's former earldom had paſſed. The art of this man ſeems to have equalled his audacity; and he muſt have inſtigated Athole, now approaching, if not exceeding, his ſeventieth year [4], to this conſpiracy by ambitious views, only fit to captivate the dotage of age, or inexperience of youth, and inſpired by Graham ſolely to promote his own deſperate revenge. This idea is favoured by the following narration, which alſo explains the violent cauſes which inflamed this aſſaſſin: but it would be neither a matter of paradox, nor blame, to infer that Athole, and his family, were really innocent; and that they were accuſed by Graham to gratify his animoſity, becauſe Athole held his nephew's eſtates and dignity. It ſhall only be further premiſed that Sir Robert Stuart, grandſon of Athole, on whom the conſpirators pretended to beſtow the crown, was the ſon of David, eldeſt ſon of that earl, left an hoſtage in England for James, ever ſince his arrival in his kingdom; and who apparently died there either before this period, or ſoon after.

According to this ancient relation, James had diſcontented his nobles by his vigorous procedure againſt them; and they aſſerted that his avarice of confiſcated eſtates, and not his juſtice, induced him to ſuch actions. The people were alſo diſpleaſed becauſe of the ſubſidies impoſed, to which they had

[3] See the Sutherland Caſe by Sir D. Dalrymple, ch. v. p. 56, 57, from the original charters.

[4] Walter earl of Athole and Strathern, the ſecond ſon of Robert II by Euphemia Roſs, muſt have been born about 1367 at the lateſt.

long

long been ſtrangers; and were even inclined to pronounce his 1437
government tyrannic. In this poſture of affairs, and probably in the year 1434, after March had been confined, and his eſtates ſeized, Sir Robert Graham, now delivered from his firſt impriſonment, and irritated by that diſgrace, propoſed, in a meeting of the lords and chief men, that he would repreſent their grievances to the king, if they would ſupport him. As he was eloquent, and verſed in the laws, they willingly aſſented. Accordingly, in the next parliament, or that held for the forfeiture of March in January 1435, Graham's violence led him to exceed his commiſſion; for he roſe with an enraged countenance, and approaching the royal ſeat, laid his hand on the king, ſaying, "I arreſt you in the name of all the three eſtates of your realm, here aſſembled in parliament; for, as your people have ſworn to obey you, ſo are you conſtrained by an equal oath to govern by law, and not to wrong your ſubjects, but in juſtice to maintain and defend them." Then turning around, he exclaimed, "Is it not thus as I ſay?" But the members, ſtruck with conſternation at Graham's raſhneſs, remained in profound ſilence: and the king inſtantly ordered the audacious exciſer to priſon, to which he was conveyed, after a ſevere ſarcaſm on the meanneſs of ſpirit, ſhewn by thoſe who had promiſed to ſupport him. Soon after Graham was ordered into baniſhment; and all his poſſeſſions forfeited to the king.

The bold and gloomy exile retired into the furtheſt highlands, meditating revenge: and he had even the audacity formally to renounce his allegiance, and to ſend a defiance to the king in writing, aſſerting that James had ruined him, his wife, and children, and poſſeſſions, by his cruel tyranny; and that he ſhould kill his ſovereign with his own hand, if occaſion offered. Upon this a proclamation was made, promiſing three thouſand demies of gold, each worth half an Engliſh noble,

to

1437 to any perſon who ſhould bring in Graham dead or alive. Meantime that ardent ſpirit was employed in digeſting his ſcheme, and he ſent meſſages to ſeveral of the members of parliament, during its ſeſſion in October 1436, offering to aſſaſſinate the king, and beſtow the crown on Sir Robert Stuart, Athole's grandſon, nephew and favorite of James.

The court held the feſtival of Chriſtmas at Perth; and the contemporary narrative details ſome popular ſtories concerning omens, which happened to James. The worſt omen was his vigorous adminiſtration, which had created many enemies; among whom the conſpiracy ſpread, like a fire among combuſtible materials, and had even reached the moſt intimate attendants of the palace, without exciting any ſuſpicion. Thrice did Chriſtopher Chambers, one of the traitors, and who had been a ſquire of the duke of Albany, approach the royal preſence, to diſcloſe the plot; and as often did he fail, from accident, or from a miſtaken ſenſe of honour, or pity to his aſſociates.

20 Feb. At length the conſpiracy being fully ripened, a night was fixed for its execution; being that of the ſecond wedneſday in lent, according to Monſtrelet, or the twenty ſeventh day of February in the year one thouſand four hundred and thirty-ſeven; but that of the firſt wedneſday in lent, between the twentieth and twenty firſt day of that month, by the account of Bowar, which deſerves the preference[5]. The earl of

[5] Monſtrelet, II, f. 98, edit. 1518; Bowar, 503. In 1437 lent began on the 17th Feb. In 1438 on the 2d March. Another argument, if neceſſary, to enforce the learned Ruddiman's reply to Abercromby, who, with his uſual ignorance of chronology, dates this event in 1438. The chartulary of Glaſgow, Harl. 4631, has "Obitus Jacobi primi Regis Scotorum, vigeſimo die Februarii, A. D. Milleſimo Quadringenteſimo, Trigeſimo Sexto." The chronicle at the end of Winton erroneouſly bears, *faſtrens ene*, or ſhrove-tueſday.

Athole,

Athole, and Sir Robert Stuart, were at the court that evening, 1437
which was paſſed before ſupper, and after to a late hour, in the amuſements of the time, in playing at cheſs and tables, reading romances, ſinging and muſic. An Iriſh or highland woman, pretending to magic, who had long before given the king a hint of the plot, and had only met with laughter, again came to unfold it; but was referred till the morrow, as the king was buſy at play. An hour after, James called for the parting cup; and he and the company drank, and withdrew. Sir Robert Stuart, private chamberlain to the king, and his chief favourite, is accuſed of ſpoiling the locks of the royal chambers, to prevent their being ſhut, and even of laying boards acroſs a deep ditch, that environed the garden of the Dominican monaſtery at Perth, where James was now lodged, in order to enable the conſpirators to paſs: but theſe offices ſeem to belong to meaner aſſociates, and the guilt of Athole and his grandſon is doubtful. After midnight, Graham with about three hundred perſons, moſtly raiſed in the highlands as may be inferred, entered the garden. The king was now in his bed-chamber, ſtanding before the fire, only dreſſed in his night-gown, and converſing gayly with the queen and her ladies, when, juſt as he threw off his night-gown to go to bed, he heard a great noiſe, as of men in armour, crouding and claſhing together, and perceived a blaze of torches. Suſpicions of treaſon inſtantly ariſing, the queen and ladies ran to the chamber-door, but could not faſten it, the locks being ſpoiled: and the king requeſting them, if poſſible, to keep the door ſhut, attempted to eſcape by the windows, but found them cloſely barred with iron. Perceiving no other refuge, he with the fire-tongs and an exertion of ſtrength, tore up a board of the chamber-floor, and letting himſelf down dropped the board above him. He was now in one of theſe incom-

1437 modious neceſſaries, uſual in old edifices; but ſtill could not eſcape outward, for, by a ſad fatality, a ſquare aperture in the place had been filled with ſtone, only three days before, by the king's command, becauſe the balls were apt to enter it, when he played at tennis. Nevertheleſs he might here have remained ſafe, had not his own impatience betrayed him.

Meanwhile the traitors burſt open the chamber-door, and ſeveral of the ladies were hurt; particularly, as our hiſtorians ſay, Catherine Douglas, who, with a ſpirit worthy of her name, had her arm broken, by thruſting it into the ſtaple inſtead of a bar. The ladies ſhrieking with horror, fled to the furtheſt corner of the room; but the queen was ſo extremely agitated that ſhe ſtood without power of ſpeech, or motion, and a villain baſely wounded, and would have ſlain, her, had not a ſon of Graham interfered, ſaying, "What will will you do, for ſhame of yourſelf, to the queen? She is but a woman. Let us go and ſeek the king." The queen was then permitted to withdraw; while the ladies remained loſt in tears and conſternation.

The traitors ſought the king in every part of the chamber, and another adjoining, without ſucceſs. Moſt of them had gone to extend their ſearch, and a temporary quiet ſucceeded, when the king moſt unhappily, after having heard no noiſe for ſome time, and thinking that the conſpirators were gone, called to the ladies to bring ſheets, and draw him up from his uncomfortable concealment. In the attempt Elizabeth Douglas fell down into the place, and Chambers, one of the aſſaſſins, entering with a torch, perceived the king and the lady, and called to his fellows, with ſavage merriment; "Sirs, the bride is found, for whom we have ſought, and caroled all night." Upon this, another traitor, Sir John Hall, leaped down with a dagger in his hand; but the king ſeized him behind,

hind, and threw him under his feet. Hall's brother met with 1437
the ſame chance: yet the king in vain tried to wreſt a dagger from either, and only wounded his hands, and rendered himſelf incapable of further defence. Graham himſelf now entered the king's retreat, who requeſted his mercy; but Graham exclaimed, "Thou cruel tyrant, thou never hadſt mercy upon thy noble kindred, nor others, ſo expect none." James ſaid, "I beſeech thee that, for my ſoul's ſalvation, thou wilt let me have a confeſſor." But Graham retorted, "Thou ſhalt have no confeſſor but this ſword;" and ſtabbed the king, who in vain cried for mercy, and offered half his kingdom for his life. The aſſaſſin, ſomewhat relenting, was about to withdraw, when his comrades above deſired him to complete their intention, elſe he ſhould himſelf encounter death at their hands. Graham, and the two Halls, then accompliſhed the horrid deed by multiplied wounds.

Thus periſhed James I in the forty-fourth year of his age, and the thirty-firſt of his nominal reign, but only the thirteenth of his active authority.

Not ſatiated with the murder of their monarch, the aſſaſſins ſought the queen, fearing her revenge; but ſhe had now eſcaped. The rumour at length reaching the outer court, where the ſervants were lodged, and thence the town itſelf, numbers approached with arms and torches, upon which the conſpirators haſtily withdrew. Sir David Dunbar, arriving alone, attacked them, ſlew one, and wounded another, but was overpowered and left diſabled. Straiton, a page, was ſlain: and the band made good their retreat to the highlands, only regreting that the queen had been ſaved, whoſe vengeance they dreaded. Nor without cauſe; for, in leſs than a month, all the chief actors were in jail.

1437 The firſt taken were Sir Robert Stuart, and Chriſtopher Chambers: who were executed with cruel tortures at Edinburgh, and the former's confeſſion of guilt may have been forced from his pangs. Athole was taken by Angus, tried 31 Mar. and condemned; but Eaſter approaching, the croſs, upon which his grandſon had been tormented, was taken down, as unbecoming that ſolemnity; and he was faſtened to a pillar, with a paper crown upon his head, thrice inſcribed with the term Traitor. Antony biſhop of Urbino, the papal legate in Scotland, heard the confeſſions of Stuart, and Athole[6]. The latter aſſerted his innocence; but ſaid that his grandſon had propoſed the conſpiracy, from which he had diſſuaded him, and underſtood that he had ſucceeded. It might be ſaid that Stuart having been forced by torture to confeſs guilt, Athole was of courſe obliged to accord with his grandſon's teſtimony;

[6] Eneas Sylvius is ſubſtituted for the biſhop of Urbino by Hector Boyce, the grandfather of all our hiſtorical errors; and the miſtake is religiouſly maintained by all our hiſtorians. Eneas Sylvius, afterwards pope Pius II, viſited Scotland before the duke of Burgundy left the Engliſh party in Aug. 1435. Comment. p. 4. And in the year that Alfonſo of Arragon was captured by the Genoeſe—1435: ib. He returned in the ſame year to France: and in 1436 another legate was ſent, namely Antony de Santo Vito, biſhop of Urbino. Ughelli Italia Sacra, (Venice 1717, 10 vols. folio) II, 792. His paſſport occurs in Rymer, X, 660, and is dated 22 Nov. 1436. Ughelli's account runs thus: "Sexto autem Idus Quintilis proxime inſequentis, [1436,] pro reſtituenda eccleſiaſtica diſciplina, aliiſque longe graviſſimis componendis rebus, in Scotiam, ad Jacobum regem, cum ampliſſima decernendi poteſtate ab eodem pontifice [Eugenio IV] legatus eſt. Difficillimis Scotiæ rebus inopinato Jacobi regis nece magis magiſque perturbatis, ad Anglorum regem, &c. dirigitur." Antony de Santo Vito proceeded to the council of Baſil on his return; and was afterwards diſtinguiſhed by his embaſſies to Germany, France, and Spain.

In narrating the murder of James I, Jean Chartier, p. 95, ſays that the perpetrators were chiefly ſervants of Albany, and other lords ſlain by James, who was a brave and juſt prince, and well beloved by his people.

for

for it is difficult to conceive that Stuart could have been guilty 1437
of ſuch black ingratitude to his beneficent ſovereign, and of
ſuch a total ſacrifice of common prudence, as to engage in
this conſpiracy, from which to expect the diadem muſt have
been the infatuation of frenzy. But Graham's art may have
practiſed upon his youth, and weakneſs, to this degree; and
the evidence of his guilt at laſt rather preponderates. As to
Athole, his hoary head might well have been ſaved: the laws
concerning miſpriſion of treaſon are moſt ſevere, calling for a
ſacrifice of kindred, of friendſhip, and of human nature: his
grandſon's ſcheme he ſeems to have regarded as too wild for
any man of common underſtanding to attempt; and was he,
for what he expected to paſs as idle diſcourſe, to proclaim his
grandſon a madman, or a traitor, and to ruin his poſterity?
But to leave this diſcuſſion, the aged earl was beheaded at
Edinburgh; and his head was fixed upon a ſpear, encircled with
a crown of iron.

Graham, and many others of the traitors, were tortured,
and put to death, at Stirling. The daring chief of the aſſaſſins
had the inſolence to plead that, having renounced his allegi-
ance under his hand and ſeal, he had a right to kill the king,
as his mortal enemy: nay he addreſſed his judges, and the
ſpectators, aſſuring them that they ſhould ſoon pray for his
ſoul, as one to whom they were indebted for their deliverance
from a tyrant. Nor was his courage leſs than his dark fana-
ticiſm of vengeance, as appeared from the ſpirit with which
he bore his horrid torments. Some of the aſſociates aſſerted
that they knew not even the nature of the conſpiracy, but had
been prevailed on to join the party, upon pretence that the in-
tention was only to carry off a young lady of the court, whom
Sir Robert Stuart was to marry: a circumſtance apparently
alluded to in the expreſſions of Chambers abovementioned.

The

1437 The ſon of Graham, Thomas Hall, and Chambers, are particularly mentioned among the victims; and the latter would expreſs no repentance for the king's death. This full and minute relation is given, not only as preſenting all the circumſtances of an important event, but as it ſerves to correct ſome miſtakes of former writers.

James left only one ſon, his ſucceſſor; but his female iſſue conſiſted of not leſs than five daughters; Margaret married to the Dauphin; Iſabel to Francis duke of Bretagne; Eleanor to Sigiſmund archduke of Auſtria; Mary to the count de Boucquan, ſon of the lord of Campvere; Jean to the earl of Angus, and afterwards to the earl of Morton [7].

[7] Crawford Stuarts, 36. Stewarts Gen. 65. The marriage of Margaret is above narrated. For Iſabel, (and her portrait,) ſee Lobineau Hiſt. de Bretagne, I, 621. For Eleonora, De Roo Ann. Auſt. 399.

Mary's deſtiny was more obſcure; but from Coucy, p. 574, ſhe appears to have been wedded before 1449; and her huſband was only a *ſeigneur*. Olivier de la Marche, the contemporary Burgundian, in his curious memoirs gives ſome notices concerning her. He ſays "Le ſeigneur de la Vere, un mout puiſſant et notable chevalier Zelandois, du nom et des armes de Bourſelle, et qui, par ſa grande conduite et renommée par la mer, avoit eu la fille du Roy d'Eſcoce, ſœur germaine de Madame la Dauphine, dont cy-deſſus eſt faicte mention; et l'avoit mariée a ſon fils le Comte de Boucquam." p. 263, 264. And p. 332, ed. Gand, 1566, 4to, he mentions that the counteſs of Boucquan (*ſic*) daughter of Scotland was delivered of a ſon at Vere in Zealand, and the count of Charolois, ſon of Burgundy, went to Vere on the occaſion. A. D. 1451. Jean is known in Scotiſh peerages. See the years 1453, 1457. It is ſuſpected that the princeſs Jean, wedded to Huntley about 1470, was a daughter of James II; perhaps of the queen of James I, by her ſecond marriage. Yet a genealogy of 1484, MS. Harl. 712, thus arranges the daughters: 1. Dauphineſs. 2. Ducheſs of Bretagne. 3. Johanna to Huntley. 4. Eleonora, Auſtria. 5. Maria *domina* Kamfer. 6. Annabella to Morton.

# BOOK V.

## A RETROSPECT OF THE STATE OF SCOTLAND, DURING THE REIGNS OF ROBERT II, AND III, AND JAMES I.

*Sect.* 1. *State of the people, and of civilization*—2. *Government, laws, tactics*—3. *Agriculture, useful arts*—4. *Commerce, money, navigation*—5. *Eccleſiaſtic hiſtory, literature, language*—6. *Ornamental arts, manners, dreſs.*

### SECTION I.

*State of the people, and of civilization.*

WHETHER education, climate, or government, produce moſt effect on national character, is an important problem, diſcuſſed by many able writers, but hitherto not ſufficiently reſolved. It muſt however be granted by all, that each has its ſhare in exciting or depreſſing mental energy, in eſtabliſhing general induſtry or indolence, in promoting public happineſs or miſery. But of theſe grand cauſes education ſeems deſervedly to claim the preeminence. To deny the power of climate, would be to forget that man is "ſubject to the ſkyey influences;" yet his induſtry, or care, may gene- 1371—1437

rally

1371—1437 rally overcome or elude its effects: and ſoil is almoſt equally ſubſervient to labour. Government exerts a more pervading influence; even the peaſant in his cottage is oppreſſed by the burning heat of deſpotiſm, or the blaſting ſtorms of anarchy. The rewards of his labour ceaſe amid the general diſtreſs: the caprice of ſome little tyrant, for ſlaves are ever tyrants where they can, or the revenge of a foe, may aſſail his hovel; and while his family periſhes in penury, the labourer joins the mountain robbers, and falls the victim of thoſe laws which afforded him no protection. Even moderate governments affect domeſtic life, and individuals, more than is commonly conceived; a war, a tax, an unwiſe law, becomes an univerſal misfortune; while the benignity, and ſkill, of the rulers enlarge the happineſs of all. The influence, like that of the electric element, is rarely unveiled to the popular eye, though the ſubtile fluid operate moſt widely on the public health.

In the oriental legiſlations the connexion between laws and manners is often indiſſoluble: and the laws become perpetual, by being grafted on the habits of that creature of habit, man. In Europe, on the contrary, the laws and manners are proverbially diſtinct. Juriſdiction puniſhes crimes, but rewards not virtues; far leſs can it improve domeſtic morals, or diffuſe the light of inſtruction over a benighted nation. Theſe are the ſacred provinces of education, a cauſe of national character more prevalent than either of the former, as it ſtrikes the very root of offence, and ſows laſting ſeeds of intelligence and worth.

But education, on the extenſive ſcale here implied, remains an experiment even to the moſt civilized nations; and its effects muſt neither be regarded as ſpeedy, nor infinite. Even infants diſplay, ſome a perverſe, others a placid diſpoſition: and it is doubtful whether any care or art can eradicate, or

ſubdue,

ſubdue, the inborn temper. If the bad habits of an individual prove often unconquerable by reaſon or virtue, how deeply muſt ſuch habits be rooted in a whole people, where example operates like a contagion? 1371—1437

Hence it is that the ſpirit, and manners, of the people ought to preſent the main object of political diſcuſſion on any particular ſtate, and the more eſpecially where government and education have little force. In whatever form of adminiſtration, only a part can ſhine upon the public theatre, and thus attract the notice of hiſtory. The maſs of the nation remains in obſcurity, even in enlightened ages; and philoſophy can only eſtimate its hiſtory by that of its manners, for which the beſt materials are to be found, not in the pages of the annaliſt, but in poems, novels, and romances. Barren however as are the annals of the poor, their ſtate may always be juſtly eſtimated by that of the actors, who vaunt and vaniſh in the hiſtoric ſcene; and from the progreſs of nations, as ſavage, barbarous, or civilized. The monkiſh page preſents but a ſmall pulſe, yet from it the health, or ſickneſs, of the whole body may be gathered with conſiderable certainty.

In Scotland, at the period now under review, the people were ſlowly advancing from barbariſm towards civilization. A peace of ſome duration had taken place before the acceſſion of the houſe of Stuart; and the conſequent intercourſe with England, a country then rapidly progreſſive in the arts of life, muſt have increaſed the national energy. Yet the feudal fetters continued to be firmly rivetted: every man was the ſoldier, or the menial attendant of his chief; and flocks, herds, agriculture afforded only ſubſervient occupations. While the ſingle ſcience of the great was war, their ſole amuſement hunting, their chief magnificence a numerous train, it is no wonder that the poor were ferocious and idle, ſecure during health of a main-

1371—1437 tenance from their lords, and in ſickneſs of monaſtic charity. Courage, honeſty, frankneſs, attachment to their chiefs, conſtituted the chief virtues of the peaſantry; temperance, and ſobriety were the virtues of the ſoil: ſpirituous liquors, that bane of the poor, were as yet unknown in Europe, except among the ſtores of the phyſician. Nor had religious fanaticiſm, that unintermitting intoxication, yet poiſoned the popular mind with habitual gloom: the poor chiefly knew the chriſtian religion from its charity, from the public exhortations of the preaching friars, and from the gay exhibitions of the Roman catholic ſyſtem.

By more poliſhed foreigners Scotland continued to be regarded as a country completely barbarous. The author of the Dittamundi allows that it is rich in fiſh, fleſh, and milk, but,

> Molto e el paeſe alpeſtro é peregrino,
> E ha la gente ruvida é ſalvatica.
>
> "Mountainous and ſtrange is the country,
> And the people rough and ſavage[1]."

The long and ſevere ordinances of Robert II againſt murderers, and their receivers and ſupporters, afford a proof that this charge was not unfounded[2]. And the orders to the army, not to pillage their own countrymen, preſent another inſtance

[1] Edit. 1501, 4to, lib. IV, c. 26. It is added that Scotland is improved,

> Per bonta de Adoardo che hora e vivo,
> Che glia fruſtati piu ſu che la narica.

"By the goodneſs of Edward now living, who has chaſtiſed it much, or wandered much over it," for the expreſſion ſeems provincial and obſcure. Edward III of England is implied, who died in 1377. The Dittamundi of Ubertus de Faciis is a deſcription of the world, in the form of a commentary on Solinus, who is introduced in dialogue, as Virgil in Dante.

[2] Stat. Rob. II, apud Skene.

of

of barbaric manners [3]. The *Ketherani*, Kerns, or marauding highlanders, by continual inroads into the low countries greatly obſtructed the progreſs of induſtry and civilization; and this inteſtine evil, more pernicious than foreign invaſion, continued to a late period. Strangers to that induſtry which excites the Swiſs peaſant to cultivate the precipice, and the Norwegian to derive that ſupport from the ſea which the land refuſes, the highlanders ſupplied their wants by rapine: and the civil animoſity was increaſed by the difference of origin, language, and manners; ſo that the difficulties with which the government had to ſtruggle, and the obſtacles againſt order, were perhaps greater in Scotland than in any other European kingdom. The example of Henry II of England, who planted a Flemiſh colony in Wales, eſcaped the obſervation, or exceeded the power, of our monarchs: and the complete tranſpoſition of the population of a province, though an expedient far from unknown to the Perſians, Greeks, and Romans, appears to ſurpaſs the wiſdom, or the enterprize of any later government. 1371—1437

Though the peaſantry were in fact the ſlaves of their lords, by menial or by feudal bondage, yet few inſtances occur of abſolute villanage; and it is believed no example appears in our records, of an eſtate ſold with the farmers, labourers, and families, attached to the ſoil [4]. The appellation *huſbond*, given to the Scotiſh farmers, ſeems indeed to imply that they were conſidered as bond ſlaves of their lord's houſe, or as fixed

[3] Reg. 4to, f. v. 72.

[4] Niſbet in his Heraldry, Vol. I, p. 131, gives an extract of a charter of Robert I, regni 14, from the chartulary of Dunfermlin, declaring Adam Adamſon and his four ſons free: "declaratum eſt quod Adamus filius Adami non eſt homo noſter ligius, ſeu nativus, quin pro voluntate ſua;" and he and ſons were delivered "ab omni jugo et onere ſervitutis;" executed "coram juſticiario noſtro."

1371—1437 to their own particular farm-houſes; yet what little evidence remains teaches us to conſider them rather as ſlaves in cuſtom, than in law. The *huſband lands*, or farms, were divided into tillage and paſturage, were always ſmall, and the farmers of courſe poor[5]. The cotter who rears his hovel of turf and ſtraw, under an old thorn, and cultivates three or four acres of the common, would in theſe ages have been ſtyled a farmer. Large farms undoubtedly advance agriculture; and perhaps the numerous labourers employed are as uſeful and valuable members of ſociety, as if each farmed a ſmall portion of land.

With the acceſſion of the houſe of Stuart, a ſtronger light begins to ariſe on the internal ſtate of Scotland. Barbour wrote his celebrated poem in 1375; and in narrating the actions of Robert I, he preſents many pictures of the times and manners, the lapſe of half a century being imperceptible in the ſlow progreſs of civilization. But the curioſity of Froiſſart a ſtranger has preſerved the ſtrongeſt features; and his viſit to Scotland forms an epoch in the hiſtory of national manners[6]. From his account it appears that the French, themſelves regarded by the Italians as barbarians, ſhuddered at the penury and barbarity of Scotland. Even in the *Doulce Eſcoche* or low lands, (for the highlanders of *la Sauvage Eſcoche* were conſidered as we now do American ſavages,) a re-

[5] Skene de ſign. verb. voce *Huſband-land*, originally about ſix acres.

[6] Froiſſart was in England in 1391, Tome IV, fol. 14. He was at Dalkeith in his youth, about the year 1360, T. III, f. 117: and no other viſit of his to Scotland is known. It is not therefore wonderful that, when he wrote his hiſtory in 1400, his memory made ſome ſlips, particularly the ſtrange one concerning the houſe of Douglas, which miſled lord Hailes, Remarks, p. 121. Froiſſart confounds the earls of Douglas with the Douglaſes lords of Dalkeith; nay he aſſigns to that name the arms of the earls of Moray, "d'or a trois oreilles de gueulles!" His more recent information was derived from the French knights who viſited Scotland.

markable

markable ignorance prevailed of the commoneſt arts of life. 1371—
The meaneſt articles of manufacture, horſe-ſhoes, harneſs, 1437
ſaddles, bridles, were all imported ready made from Flanders. The houſes of the common people were compoſed of four or five poſts to ſupport the turf walls, and a roof of boughs: three days ſufficed to erect the humble manſion[7]. A contemporary hiſtorian adds, that "the country was rather deſert than inhabited, was almoſt wholly mountainous, and more abundant in ſavages than in cattle[8]."

The Engliſh education of James I contributed to the civilization of his kingdom. Yet even in his reign the picture by Enea Silvio, afterwards pope Pius II, is far from flattering. "Concerning Scotland he found theſe things worthy of repetition. It is an *iſland joined* to England, ſtretching two hundred miles to the north, and about fifty broad; a cold country, fertile of few ſorts of grain, and generally void of trees, but there is a ſulphureous ſtone dug up which is uſed for firing. The towns are unwalled, the houſes commonly built without lime, and in villages roofed with turf, while a cow's hide ſupplies the place of a door. The commonalty are poor and uneducated, have abundance of fleſh and fiſh, but eat bread as a dainty. The men are ſmall in ſtature, but bold; the women fair and comely, and prone to the pleaſures of love; kiſſes being there eſteemed of leſs conſequence than preſſing the hand is in Italy. The wine is all imported; the horſes are moſtly ſmall ambling nags, only a few being preſerved entire for propagation, and neither curry-combs nor reins are uſed. The oyſters are larger than in England. From Scotland are imported into Flanders hides, wool, ſalt fiſh, and

[7] Froiſſart, Tome II, f. 170, edit. 1518, 4to.

[8] Hiſt. de Charles VI, par Le Laboureur, Tome I, p. 102, "plus pleine de ſauvagine que de beſtail."

pearls.

1371—1437 pearls. Nothing gives the Scots more pleaſure than to hear the Engliſh diſpraiſed. The country is divided into two parts, the cultivated lowlands, and the region where agriculture is not uſed. The wild Scots have a different language, and ſometimes eat the bark of trees. There are no wolves. Crows are new inhabitants, and therefore the tree in which they build becomes royal property [9]. At the winter ſolſtice, when the author was there, the day did not exceed four hours [1]." In another place, Silvio obſerves that the fabulous tale of the barnacles, the invention of dreaming monks, had paſſed from Scotland to the Orkneys: and that coals were given to the poor at the church doors, by way of alms, the country being denuded of wood [2].

The vigorous adminiſtration of James I imparted tranquillity and happineſs to the people; and was often regretted by them during the diſtractions of the ſubſequent reigns [3]. Till this period the ſtatutes were concealed from the nation in the darkneſs of the latin language; the good ſenſe of this monarch ordered them to be iſſued in the Scotiſh tongue, while in England the laws were to be dictated in Latin and French till the reign of Richard III. Thus religion, and law, the ſole

[9] One of thoſe miſtakes frequent in curſory travels. By c. 19, parl. 1 J. I, trees in which rooks are ſuffered to build are forfeited to the king. Hence the error.

[1] Pii II Comment. rerum mem. ſui temporis, Francfurt 1614, folio, p. 4; a production not in the collections of his works. The author adds a *naif* account of his adventures in the north of England on his return. He went diſguiſed as a merchant, and on paſſing the Tweed could get neither wine nor bread: an alarm was ſpread in the night that the Scotiſh borderers were approaching, and the men fled, but the women refuſed; "nihil enim his mali facturos hoſtes credunt, qui ſtuprum inter mala non ducunt."

[2] Deſcript. Aſiæ et Europæ, Paris 1534, 8vo, p. 416.

[3] See Bowar, 510.

rules

rules of popular conduct, were veiled from the people; but there is no abſurdity which man has not reduced to practice. The ſtatutes of James are wiſely ordained to advance civilization, and the ſanguine theoriſt may exult in their effects; but they rather proclaim the intelligence of the monarch, and of his eccleſiaſtic miniſters, than the national advancement. Ordinances prepared in the cabinet by wiſe and good men, were paſſed by the lords of the articles; while the peers and landholders, with whom the juriſdiction lay, either did not attend, or voted with a ſmile. And the frequent repetition of the ſame laws, even ſo late as the reigns of James IV and V, conſpires with the records of hiſtory to convince us, that the ſtatutes rather indicate the evils that did exiſt, than the remedy of theſe evils. The roots of national habits are too deep to be affected by the thunder of laws, the ſlow divulſion of education can alone explode them. 1371—1437

Among the ſtatutes of the firſt James, the following are the moſt pertinent to the preſent diſcuſſion. That no private wars be allowed; that none travel with more attendants than they maintain; that no *fornars* ſhall force their reſidence upon the clergy or farmers; that in burghs, and on high ways, inns be erected; and that no beggars be permitted, except diſtinguiſhed by a badge importing the leave of the magiſtrates: and the hoſpitals for the poor and ſick are ordered to be reformed. A remarkable law ordains, that all idle perſons, without means of livelihood, ſhall be impriſoned, till they give ſecurity, and ſhall within forty days betake themſelves to ſome ſervice or craft. The trial of the cauſes of the poor is declared to be gratuitous [4].

The inſtitution of inns, repeatedly enforced, was perhaps calculated to ſave the monaſteries from the frequent intruſion

[4] Acts, f. 1, 2, 5, 7, 8.

of

1371—1437 of numerous gueſts; but the neceſſity of ſuch laws indicates a radical defect in civilization. The firſt object of the Romans, after the conqueſt of a barbaric country, was to open high ways through it; for on mutual and eaſy intercourſe all civilization depends. Yet this firſt and indiſpenſable ſtep is unknown in our ſtatutes. Some regulations appear concerning ferries; but till within theſe fifty years the roads in Scotland were hardly paſſable. And while the Swiſs cuts his way through the Alps, our mole hills in the highlands preſent inſuperable barriers. The civilization of a country is always in exact proportion to the number, and condition, of its high ways. The omiſſion of this one law was radical, and obſtructed all the others [5].

In the burghs a greater degree of civilization muſt have prevailed than in the country; but the inhabitants of the burghs were few, compared with the general population. Froiſſart eſtimates the houſes in Edinburgh, then the capital, at four thouſand [6]; they were ſmall wooden cottages, covered with ſtraw; for modern Edinburgh, with its houſes of ten or twelve ſtories, cannot date higher than Mary's reign, when all the French cuſtoms of Scotland really commenced. By a common calculation the inhabitants of the capital, in the reign of Robert II, hardly exceeded ſixteen thouſand.

For ſome unknown cauſe, James I prohibited the election of deacons of crafts; perhaps they abuſed their power in exciting ſedition; perhaps the genuine ſpirit of a corporation began to operate in monopoly, and oppreſſion. But a warden and council are ordered to regulate prices, the warden to be choſen by the council of the burgh, and not, as the deacons, by the craftſmen themſelves. Maſons, carpenters, ſmiths,

[5] The firſt Scotiſh ſtatute concerning highways, is of the reign of Charles II, 1661, cap. 38.

[6] Tome II, f. v. 169.

taylors,

taylors, weavers, are the only trades mentioned in the ſtatute[7]. 1371—
The inſtitution of corporations by patent ſeems unknown in 1437
Scotland, till the reign of James IV: the crafts embodied and regulated themſelves; and the attention of government was hardly diverted to them, except to prevent impoſition. They would have charged for holidays, and undertaken more work than they could accompliſh, while one craftſman would refuſe the work neglected by another[8]. The ſole intention of theſe acts ſeems to have been to break the monopoly[9].

James I has himſelf delineated the manners of the common people, in his poem called Peblis to the Play. This *play* was probably an annual feſtival, in honour of the ſaint to whom the church was dedicated, or on ſome other occaſion; and ſuch *wakes* are yet known in the north of England. The humour and jollity of the meeting end in tumult and uproar, but diſplay a very different character to the gloomy fanaticiſm of the two ſucceeding centuries. From this ſingular poem, among other articles of manners, we learn that the women wore kerchiefs and hoods, and tippets; the muſic aroſe from the bagpipe; the men ſometimes wore hats of birch-twigs interwoven, the hat being any high covering of the head, while the bonnet was flat. A tavern, with fair table linen, and a regular ſcore on the wall, are introduced: the reckoning twopence halfpenny a piece, is collected in a wooden trencher. The *cadger*, or packman who carries fiſh, &c. through the country, on his little horſe; the ſalmon dance, conſiſting in exertions

[7] Acts, f. 14, 18.

[8] [illegible]4. *Confrairies* firſt appear in France about 1264. Le Grand, I, 260.

[9] To theſe hints concerning burghs it may be added that harlots are ordered to dwell in the ſkirts of the towns, to prevent hazard from fire, concerning which regulations are enacted. Ib. f. v. 12.

1371—1437 of high leaping; and other anecdotes of popular manners, diverſify the piece [1].

The dreſs of the common people conſiſted chiefly of a doublet and cloke, and a kind of ſhort trowſe; the head was covered with a hat of baſket-work, or felt, or with a woolen bonnet; while the legs and feet remained bare [2]. Shirts were hardly known even to the great. The female dreſs was a kerchief or a hood, and a tippet about the neck: the kirtle, or cloſe gown, was rarely accompanied either with the *wylicot* or under petticoat, or with the mantle; and the feet were naked.

As the ſtate of ſociety was rather paſtoral than agricultural, milk, and its various preparations, formed a chief article of food. Meat boiled with oatmeal, or fiſh, ſupplied more ſolemn meals. Bread and vegetables were little uſed, a circumſtance to which it may perhaps be imputed that the leproſy was not uncommon. The chief fiſh was the ſalmon, concerning the capture of which many regulations occur in the acts of parliament, and which alſo formed a grand article in the Scotiſh exports.

## SECTION II.

### *Government, laws, tactics.*

THE government, and laws, of a country are ſo intimately connected with its hiſtory, when compoſed in a proper manner, and with philoſophic views, that little remains to be ad[illegible] on

[1] Select Scotiſh Ballads, Vol. II, p. 1.

[2] A practice prevalent among the common people of England at this period. Even the feet of many of the Engliſh archers were bare in battle. St. Remy, p. 89.

theſe

theſe important topics, except to glean a few remarks, and preſent ſome general obſervations. 1371—1437

The policy concerning the highlands formed a chief object in the Scotiſh government. David II had excited the chieftains to deſtroy each other, by beſtowing the eſtate of the ſlaughtered leader on his aſſaſſin, and by the reign of terror had eſtabliſhed tranquillity [3]. This cruel policy was abandoned by the houſe of Stuart. Robert II aſſigned the highlands to the care of his ſon the earl of Carric, and other peers; who were impowered to call the chiefs before them, and concert means of juſtice [4]. But this plan erred in the other extreme of mildneſs: and James I, after having been obliged to exempt the highlanders from the law of retribution, becauſe, as the ſtatute bears, they had been accuſtomed to rob and kill each other [5], was at length conſtrained, as we have ſeen, to have recourſe to ſeverity.

The reign of this prince revived the long dormant power of the laws, and the boldeſt of the peers dared not to oppoſe his mandates or meſſengers. "The people," adds the old hiſtoriographer, "then ſat in the opulence of peace, ſecure from ravagers, elate in heart, and tranquil in mind; becauſe the monarch had wiſely expelled quarrels and rapine from the ſtate, had appeaſed diſcord, and reconciled enmity [6]." But the regal juriſdiction, though much confined by the feudal ſyſtem, was carried by James I to a height that proved fatal to himſelf.

It is unneceſſary to dwell on the feudal government, ſo ably diſcuſſed by numerous authors. A ſingular feature of it in Scotland was the freedom from taxes; and that at a period

[3] Fordun, II, 380. [4] Regiſter, f. v. 72. [5] Acts, f. 8.
[6] Bowar, 510.

1371—1437 when France was overwhelmed with them, and the blood of the poor, as uſual, was mingled with the wine of the rich[7]. Another remarkable diſtinction from modern times was, that the royal authority was weakened in war, and increaſed in peace. The ſoldiers belonged to their chiefs, and not to the ſovereign: but the execution of the laws was a prerogative of the latter.

An idea of the royal revenue may be formed from the marriage contracts of our princes, the dower of the wife being eſtimated at one third of the whole. Robert II, and III, were married before the acceſſion of the family: and the avaricious conduct of the Engliſh court, in the marriage of James I, rendered any contract to this effect unneceſſary. But that of James II and Mary of Gelder is extant; and though the evidence be ſomewhat excurſive it is ſufficiently in point[8]. The dower aſſigned is 10,000 crowns of gold; and theſe crowns, in a contemporary ſtatute, are eſtimated at ſix ſhillings and eight pence each, Scotiſh money[9]. Hence 10,000 gold crowns equalled 5000 marks Scotiſh money, and the royal revenue was 15,000 marks Scotiſh, or about 7,500 marks ſterling of that time; in weight about 14,000 pounds of ſilver, in efficacy about ſeventy thouſand pounds of modern currency. But the rapacity of ſtateſmen and favorites, and other cauſes which did not affect the eſtates of the ariſtocracy, conſiderably dilapidated the revenue of the crown, and rendered it ſubject to ſuch variations that fifty thouſand pounds may moſt ſafely be aſſumed as a medium. Perhaps the earls of Douglas poſſeſſed a revenue equal to two thirds of the royal; which however certainly more than doubled that of any other peer[1].

The

[7] In 1385 the taxes were ſo numerous in France that many emigrated. Des Urſins, p. 46.

[8] MS. Harl. 4637, Vol. III, f. v. 6. [9] Acts of 1451.

[1] In the eſtimate of the revenues of the hoſtages for James I, (Rymer, X, 327, 333,) the higheſt are thoſe of Argyle and Dalkeith, 1500 marks ſterling each.

The revenue of the crown aroſe chiefly from its demeſnes, from the various feudal caſualties, ward, relief, marriage, eſcheat, forfeiture; from vacant biſhoprics, fines, preſents for grants; and from cuſtoms on merchandize. Its prerogatives appear to have been, 1. to ſummon the parliament, and propoſe laws, which ſeldom or never failed to paſs: 2. the adminiſtration of juſtice: 3. creation of honours and dignities: 4. command of the national array: 5. nomination to eccleſiaſtic preferments. As the firſt of theſe prerogatives encroached on the legiſlative power; ſo, on the other hand, the parliament regulated embaſſies and treaties, and ordered peace or war [a]. The coinage of money belonged to the crown; but any alteration was regarded as unconſtitutional, if not ſanctioned by parliament. 1371—1437

Hence it appears that the revenues and power of the Scotiſh monarchs were in themſelves ſufficiently reſpectable; but the age of Robert II, the weakneſs of his ſucceſſor, the diſorders of the regencies, and above all the extreme avarice of the ariſtocracy, ever preying on the royal domains and revenue, were cauſes that greatly injured both the wealth and influence of the crown.

In paſſing to the national council, or parliament, the moſt ſtriking object is the number of eccleſiaſtics, which exceeded

each. But that of Douglas muſt have been far larger. The 1500 marks might now equal 15,000 *l.*

It muſt not be forgotten that the royal expences were almoſt wholly domeſtic, there being neither civil nor military liſt, the officers of ſtate and adminiſtrators of law being only paid by perquiſites; and even embaſſies were defrayed by the members of parliament, or by the merchants. The revenue of Henry V of England was 55,714 *l.* 10 *s.* (Rymer, X, 113,) or about 550,000 modern pounds.

[a] This important fact is evinced from many documents in this work. See particularly the reign of James V.

that

1371—1437 that of the peers[3]. But till the days of Forman, and the Betons, prieſtly ambition ſeems to have been little known in Scotland; and the ſtatutes generally evince great wiſdom and patriotiſm in the legiſlative body. The members unhappily did not aſſemble in two chambers as in England; the burgeſſes were annihilated in preſence of the powerful ariſtocracy, who themſelves only ſkilled in arms left legiſlative diſcuſſion to the clergy. An oppoſition was ſcarce ever known in the Scotiſh parliament, becauſe its operations were previouſly ſettled by the well-known committees of lords of the articles, and approved by the king, ſo that in fact the ſtatutes were preſented for its ſanction, not its diſcuſſion. Nay there is room to believe that an oppoſition in parliament was viewed in as treaſonable a light as oppoſition in the field; and that the minority only teſtified its diſſatisfaction by its nonappearance.

The adminiſtration of the laws was the chief difficulty; and the king and parliament often recommended this great object to the peers in their reſpective territories. During a minority the parliament alone had the power of nominating a regent and council[4]. At what preciſe period the king's privy council ſucceeded the *Aula Regis*, or council of great officers of ſtate is dubious. It was much on the ſame model, being compoſed of the chancellor, chamberlain, treaſurer, privy ſeal, ſecretary, and a few other members. Its power during a minority was

[3] In the parliament at Cambuſkenneth, 1314, the number of abbots already amounted to 14, Scone, Kelſo, Arbroth, Holyrood, Linde[illegible], Newbottel, Cupar, Paiſley, Dunfermlin, Lincluden, Inchaffray, St. Colm, Deer, Sweetheart. The priors 5, Coldingham, Reſtenoth, St. Andrews, Pittenweem, Lochleven. Add the biſhops 13, and the ſum is thirty-two.

[4] See the reign of James V when the parliament declare that, by the king's demiſe, the power had *devolved to the three eſtates* who had appointed Albany regent. Yet the will of the deceaſed monarch was commonly reſpected; and the queens of James I, II, and IV, were acknowledged as regents for a time.

great,

great, but at other times entirely under the controul of the sovereign, and hardly known in history. Far superior was the fate of the privy council in Denmark and Sweden, where the members usurped the chief power; and under the name of *senates* controuled the monarchs. The want of titular nobility in these countries was a radical cause of this singularity, for the prelates having no balance to their ascendancy, and most of them being senators in virtue of their sees, the landholders, burgesses, and peasants, could not struggle against so powerful an aristocracy. In Scotland, on the contrary, the bishops and the church were a public benefit, as they balanced the power of the ferocious nobles, and supported the monarch and the laws. All institutions depend on time and circumstances; and the bane of one country may be the felicity of another. 1371—1437

Had our kings possessed the nomination of the administrators of justice, the aristocratic influence would have been considerably checked. But most of the legal officers enjoyed hereditary and indefeasible right. Such were the sheriffs, though esteemed the king's peculiar officers; nay the peers were sometimes hereditary sheriffs in their own jurisdictions.

Even in burghs, the aldermen and baillies were more frequently devoted to some neighbouring chief, than to the king.

Of the *Mair* and *Serjands* little is known. An act of James I seems to evince that the office of Mair and King's Serjand was synonymous; and it shews that the barons had also their serjands. The Mair was distinguished by a red wand; the officer of regality by a similar badge, red at one end and white at the other; while the baron serjand had a white wand, and he of the burgh a red. All bore horns to sound occasionally [5]. The terms Mair and Serjand have varied more

[5] Acts, f. 17. Another statute, f. v. 19, mentions Mairs of fee, or hereditary, of the sheriffdom, or of part; and authorises them to have deputies, to execute

1371—1437 more in ſignification than perhaps any others; even now a ſerjeant at law is a very remote office from a ſerjeant in the army; and a *Maire* of Paris from a Scotiſh Mair. In its primitive meaning the term Mair is, in various countries, of high dignity, but had now been degraded in Scotland from the magiſtrate to the meſſenger. The Mair and Serjeants were the heralds of the law; but their office was in thoſe times arduous, and honourable, and worthy of the attention of the legiſlature. Even theſe offices were often hereditary; and Skene mentions that in his time there were "Mairs of fee [6]."

The legal juriſdiction of the crown chiefly appeared in the *Brief*, or ſhort writ, iſſued from the chancery. Theſe brieves were of two kinds, one directed to the ſheriff, or the Mair or ſerjand meſſengers of the law, ordering the party to be cited; the other empowering the judge to try the cauſe [7].

The royal power, though eminent in times of peace, and uncircumſcribed by any ſenate, was nevertheleſs balanced by that of the ariſtocracy; which during war, or minorities, even aſſumed the aſcendancy [8]. The baron was in fact a king in his

execute arreſts and ſummonſes. It is ſuſpected that the *Murmor* of the eleventh century, (Enq. into Sc. hiſt. II, 319,) was the *Mor* MAR or great Mair of a province, a term ſynonymous to the ancient Earl. In the gloſſary of Ducange the word Mair or Major implies in numerous inſtances great authority. The office of Coroner ſeems to have been confined to criminal caſes, that of Mair to civil. In the iſle of Man there were *Moares* for *every ſheading*, or diſtrict of three pariſhes: (Order of the Tinwald 1422, in Townley's Journal, Whitehaven 1791, II, 231, 232.) By one of thoſe ſingular changes which occur in ſociety, the ſheriff remains a moſt honourable office; and the Mair, formerly almoſt his equal, has dwindled into the bailiff.

[6] De verb. ſign. voce *Marus*.

[7] Home Hiſt. Law Tracts p. 288.

[8] Coronation oaths are ſolemn trifles, and they appear unknown to our old annals. According to Niſbet, Her. II, 154, the clergy, peers, and commons, in

his own jurisdiction; and the operation of the laws was directed by his loyalty, or his dissatisfaction. The former was hardly to be secured, except by a munificence which weakened the royal revenue, and power: this avaricious spirit of the nobility was encreased by the accession of the house of Stuart, and the peculiar circumstances which accompanied that event. A family, formerly their equal, ascended the throne; there was no regal ancestry, no foreign splendor, to command awe and obedience: and a dubious loyalty was only to be won by concessions, or promises, fatal to the constitutional ascendency of the crown. Age, weakness, regencies, conspired to increase the wealth and preponderance of the aristocracy; and when James I regained his sceptre; many an effort was required in order to replace its chief gems. 1371–1437

The few peers, their number hardly exceeding twenty, continued to be chiefly denominated from the counties into which Scotland was then divided[9]. The military force of the

in order, asked the new sovereign if he were willing to accept the crown; which being put on his head, a bishop cried God bless the king; another answered God bless the people, and the king; and again, God bless the king, and the people.

[9] The chief deviations were, that there never was an earl of *Menteith*, but Crawford supplied the place. *Levenax*, or the banks of the Leven, (now *Lennox*) gave a title corresponding to Dumbartonshire. Yet so strong was the original idea that Bowar, 342, confounds the counties with the earldoms. Strathern was a county Palatine, earls David and Walter Stuart, Euphemia the countess, and John Stuart, 1407, (Du Tillet 117,) all appear as Palatines. The title of *Thane* seems to have been *introduced* after the time of Malcom III, and existed long in Scotland. Robert II grants the thanedom of Kintore to the earl of Moray, "reserving the office of the free tenants." Scotft. Cal. Harl. 4609, p. 97. James I grants a charter to Donald thane of Caldor, Id. No. 4620. The same MS. records a charter to John Meyners of the office of "*Cochachderatie* of Kyncollonie; and lands of Ferrochie and Coulentyne, lyland in the *abthaurie* of Dul." Yet the difference between a thane and baron is unknown; and some doubts arise that ignorance may have blended the Saxon Thane and the Irish *Tanist*.

1371—1437 ſhire, and the greater part of its civil juriſdiction, were in the hands of theſe potentates; and the inferior barons were attached to them by tenure, by clan, by intereſt and expectation, or by bonds of manrent.

The progreſs of government, legiſlation, and the uſeful arts and ſciences, ought to occupy moſt attention in hiſtory; but theſe pacific objects yield to wars and revolutions. War unhappily forms the grand baſis of the annals of man; and one battle often produces the happineſs or miſery of many millions, for many centuries. Hence the ancient claſſical hiſtorians are ample in deſcribing the tactics of various nations; while modern writers ſeem to vie with thoſe of the middle ages in their negligence of this important theme, which, from its infinite conſequences, deſerves to be arranged in the ſame claſs with the government and laws of a country.

It is well known that the chief weapon of the Scots was the ſpear, often ineffectual againſt the Engliſh long-bow, becauſe it was not accompanied, as in the Macedonian phalanx, with ſtrong defenſive armour. The buckler in particular ſeems to have been ſmall and weak, being only of wicker work covered with leather; the *ſallad* or iron cap, and the *doublet of fence*, muſt have afforded little protection againſt the Engliſh arrows, which like the Parthian even pierced the mail of the knight. Other offenſive weapons were the *bragged ſtaff* or pike, the axe, the ſword, the knife or dagger[a]. Such were the arms of the common people: but the chiefs, knights, and ſquires, were arrayed in plate-armour which had now ſucceeded the habergeon, or coat of ſmall inwoven rings; and they wielded the battle-axe, the two handed ſword, the iron mace, or the ſpear. Perſons worth ten pounds of yearly rent, or fifty

[a] Winton MS. 842, 868. Acts, f. v. 8, f. 21.

pounds

pounds in goods, were ordered to have a *hat* or helmet, and gorget; a peſan braced before and behind, with plates to cover the front of the thighs and legs, and gauntlets. The yeomen worth twenty pounds in effects, were to have the habergeon, iron hat, bow, quiver, ſword, buckler, knife; and, if not archers, an axe, or a pike. The burgeſs worth fifty pounds in goods, was to arm completely as a gentleman; while he who poſſeſſed not above twenty, appeared in the array of the yeoman [2]. 1371—1437

James I was particularly anxious to eſtabliſh the uſe of the bow, and ordered frequent aſſemblies near the pariſh churches for the exerciſe of archery: but after his death the national habits prevailed, and among a hundred attendants of a baron, hardly ſix archers could be found, the remainder reſuming their ſpears [3]. It appears that armour, nay ſpears, and bows, and arrows, were chiefly imported [4]. The martial muſic, as is well known, conſiſted of horns. Some choſen followers were arrayed in the livery of their chiefs; but the reſt of the army preſented a motley mixture [5].

The diſcipline, and exerciſe, were trivial; the arrangement was by clans. On the march almoſt every man rode a ſmall horſe, to ſave fatigue; but none, except the knights or fixed cavalry, remained on horſeback in a battle. Each man carried

[2] Acts, f. 21. [3] Bowar, 488.

[4] Acts, f. v. 8: in particular the heads of arrows and of ſpears ſeem to have been entirely imported from Flanders.

[5] Froiſſart loſes all temper in ſpeaking of Scotland, and the Scots, on account of the treatment of Vienne and his petulant knights. The admiral, ſays he, told the French king, that he would rather be earl of Savoy, or Artois, than king of Scotland; the force of which conſiſted of about 500 lances (3000 men at arms,) and 30,000 commoners, of no avail againſt Engliſh archers, or 1000 men at arms, fol. 183, T. II. The common arms he deſcribes as *voulges* (hunting ſpears), *dagues* or knives, and *baſtons d'armes*.

1371—1437 proviſions for forty days, chiefly oat-meal; but meat was ſupplied by pillage. The right wing became the van, the left the rear, while the center retained its ſtation.

The exact order of battle, the arrangement of the ranks and files, are ſubjects enveloped in much obſcurity; and while, with all the lights of the Roman claſſics, it remains doubtful whether that great people arranged their Haſtati, Principes, and Triarii, in ſingle lines, or in deep files, there is leſs room to wonder at the careleſſneſs of the monkiſh hiſtorians. Yet it appears ſufficiently clear that deep files were uſed, and that the *battels* or battalions were almoſt ſquare; though ſometimes they fought in an *eſchelle* or circle; ſometimes perhaps in the gothic wedge[6]. Thin files of two or three ſeem a modern invention, long poſterior to the uſe of cannon and fire arms. But the utility of the deep maſſes formerly uſed is not eaſily diſcovered; not above three ſpears could come into contact, and the reſt ſeems an idle depth, expoſed to the arrows of the enemy. This theme muſt be ſubmitted to military men; and it is doubtful if the materials be ſufficient for preciſe inveſtigation.

The moſt eminent or ſkilful peers who were preſent commanded the grand diviſions, commonly four, the right and left wings, the center and reſerve. Under them the ſmaller barons acted as inferior officers, in feudal gradation, and often by hereditary right.

In ſieges cannon now began to be uſed, inſtead of the ſows, battering rams, and other engines, the reliques of Roman ſkill. But no memorable ſiege happening after the acceſſion

[6] The *eſchelle* was by the Scots termed a *ſhiltrum*. The hoſt was ſometimes divided into three or four of theſe *ſhiltrums* of the heavy armed and ſpearmen, amid which the archers and light infantry were ſheltered, as by fortreſſes. See Holinſhed's deſcription of the battle of Falkirk.

of

of the houſe of Stuart, and the Scots having been ſingularly deficient in this art, it is unneceſſary to illuſtrate the topic. 1371—1437

Theſe remarks ſhall be cloſed with an abſtract of the agreement, in the beginning of June 1385, between the earl of Carric and other peers, and Jehan de Vienne the leader of the French forces in Scotland. It bears that they ſhall march towards the borders on the twenty third of July, and ſhall lay ſiege to ſome fortreſſes, but as battle is expected their ſtrength is not to be waſted in doubtful aſſaults: that none ſhall pillage in advancing to the marches, but ſhall pay for what they have, on pain of beheading; and all perſons coming to the army to ſell victuals ſhall be ſafe: if any man ſlay another, it is inſtant death: if any common ſoldier ſtrike a gentleman, he ſhall loſe his hand or ear; if one gentleman ſtrike another, juſtice ſhall be adminiſtered by the captains. In riots between the French and Scots, the byeſtanders muſt ſeize the guilty, who if knights are to loſe horſe and armour, if commoners a hand or an ear; the like penalty for thoſe who ſhall diſlodge their companions, or diſorder the march. All Scots and French are to wear, before and behind, a white croſs of St. Andrew; if the armour be white, it muſt be borne on a ſquare, or a circle, of black cloth. If any Scot inſult a Frenchman, he is to be ſeized by the French, and brought before a Scotiſh chief; and ſo in the contrary. He who unhorſes an Engliſhman is to have half his ranſom. None ſhall ſet fire to a church, kill a woman or a child, or commit rape, on the penalty above mentioned of knight and common ſoldier. The priſoner ſhall belong to that captor who firſt received his plighted hand; if taken from him the captain ſhall order reſtitution; if the priſoner be killed a reaſonable ranſom ſhall be allowed. All ſafe conducts granted by Vienne ſhall be obſerved by the Scotiſh lords and captains; and the French leaders

1371—1437 leaders ſhall pay like reverence to thoſe of the Scotiſh generals [7]. Such is this curious ordinance, which throws conſiderable light on the military manners of the times.

## SECTION III.

### *Agriculture, Uſeful Arts.*

ON theſe topics only a few brief illuſtrations occur. Though Scotland was already denuded of wood, as before evinced, it was not owing to the progreſs of agriculture. James I ordered that each poor perſon who ought to be a labourer, ſhould either be the half proprietor of one ox in the plough, or dig every day a ſquare of ſeven feet of ground, a toil which extended through the year muſt not have been inconſiderable [8]. His ſtatutes alſo ordain that every farmer, uſing a plough of eight oxen, ſhall ſow every year a firlot, or four Scotiſh pecks, of wheat, half that quantity of peaſe, and *forty* beans, under the penalty of ten ſhillings to the baron [9]. Oats and barley were almoſt the ſole crops; not only wheat but peaſe and beans were extremely rare, and *peaſe-bannocs* were till lately eſteemed the next regale to wheaten bread. The acts concerning wolves and rooks, and burning of heath at improper ſeaſons, need not be recapitulated. Stealers or peelers of green wood, breakers of orchards, deſtroyers of rabbit warrens, and dovecots, were all juſtly puniſhed by this wiſe prince; who alſo eſtabliſhed a *new extent* or valuation of landed property [1].

The frequent wars between Scotland and England, ſince the death of Alexander III, had occaſioned to the former

[7] Regiſter, f. v. 72. [8] Acts, f. v. 7. [9] Ibid. f. v. 14.
[1] Home, hiſt. law tracts, p. 416, ſeq.

country

country the loſs of more than a century in the progreſs of civilization. While in England only the northern provinces were expoſed to the Scotiſh incurſions, Scotland ſuffered in its moſt civilized departments. It is apparent that, in the reign of Alexander III, the kingdom was more abundant in the uſeful arts and manufactures, than it was in the time of Robert III. 1371—1437

When James I concluded the commercial treaty with Flanders, it is highly probable that he invited Flemiſh artiſans to ſettle in his dominions. With his admirable talents for government, it ſeems impoſſible that he could overlook the advantages of a plan certainly purſued by his ſucceſſors [2].

Yet the evidence concerning uſeful arts and manufactures continues barren. In a ſtatute of 1428 maſons, carpenters, ſmiths, taylors, weavers, are mentioned [3]; and perhaps one or two other *crafts*, as cordiners, or the like, may be omitted. The weavers were apparently ſolely employed in coarſe linens, and perhaps ſome woolen ſtuffs. But while Ireland from its Engliſh ſettlements exported the latter, Scotland had certainly no manufactured export [4]. The rich were wholly clothed in foreign products; which ſeem even to have furniſhed the holiday dreſſes of the poor.

[2] Boyce, f. 365, affirms that James I procured Flemiſh artiſts; but a conjecture is better than his authority. From Bowar, 505, it appears that James delighted in the mechanic arts.

[3] Acts, f. 18.

[4] The Dittamundi teſtifies the export from Ireland of *faie*, ſays, or thin woolen ſtuffs.

SECTION

## SECTION IV.

### *Commerce, Money, Navigation.*

1371—1437 THE grand emporia of commerce at this period were Venice, England, Flanders, and the Hanſe Towns. Venice in particular concentrated the commerce of the eaſt and ſouth; and Flanders that of the weſt and north. Hence the extreme opulence of the Netherlands, and the rapid progreſs of their uſeful and luxurious arts. To them almoſt the whole Scotiſh trade was confined: ſome voyages to Norway, Denmark, and one or two of the Hanſe Towns, and ſome to France for wines, formed perhaps the only varieties.

The imports from Flanders extended, as has already appeared from Froiſſart, even to the commoneſt neceſſaries. The exports by the account of pope Pius II, were hides, wool, ſalt-fiſh, and pearls [5]. The ſtatutes further ſupply horſes, kine, ſheep, various ſkins for furs, as mertrik, fulmart, otter, fox, hart, and roe: and woolen cloths, probably of Scotiſh wool manufactured in Flanders for Scotiſh merchants [6]. The cuſtoms on imports and exports amounted to about two ſhillings in the pound, or a tyth; but the extent of the trade cannot be aſcertained [7]. The balance was however greatly againſt Scotland, as may appear from the gradual impoveriſh-

[5] Scotland was long celebrated for pearls. Julius Cæſar is accuſed of invading Britain to procure that precious article, and there ſeems no evidence that they were found in the ſouth. Alexander I had a vaſt collection. Dalr. Ann. I, 58. The Tay ſtill furniſhes ſome pearls.

[6] Acts, f. 3, 5. Herring, freſh, ſalted, and red, are alſo mentioned. *Talch* or tallow is forbidden to be exported.

[7] Ib. f. v. 7, &c.

ment

ment of the country, and riſe in the value of the coin; and no leſs than five ſtatutes of James I appear, againſt the exportation of money. 1371—1437

The merchants often went abroad with their cargoes; but none was permitted to uſe this privilege, except he were worth three *ſerplaiths* of wool, each ſerplaith being eighty ſtone weight, or about two ſacks [8].

Campvere does not appear to have been the ſtaple port, till after the marriage of its lord to a daughter of James I. The Dam or Amſterdam, Sluys, Bruges, are mentioned as the places of reſort; and in the latter city James I founded a Scotiſh chapel, to be ſupported by ſome duties on veſſels [9].

In the old manuſcripts of our laws thoſe concerning ſhipping appear, certainly not later than the reign of the firſt James; but they throw no light on commerce. It is remarkable that they always name Berwick, in mentioning a ſea-port; and Bourdeaux is almoſt the only foreign haven known to their doubtful pages. They are merely private regulations, probably Engliſh, and compoſed at Berwick, which, when ſhips were of fifty tons, aſpired to be a port; and even ſo late as the reign of James V demanded to be conſidered as the ſtaple for all Scotiſh ſalmon imported into England [1].

Domeſtic traffic was chiefly carried on at fairs, an amiable and uſeful invention of the Roman catholic ſuperſtition. They were commonly held on the day of the ſaint to whom

[8] Acts, f. 7. Skene voce *ſerplaith*.

[9] Acts J. III, 1466, prohibiting further intercourſe with the *Swyn*, the Sluys, the Dam, or Bruges. A ſtatute of James I, f. 18, implies no ſtaple, as it mentions indifferently Zeland and Flanders. The chapel appears in a grant of James IV, 1512, Scotſt. Cal.

[1] MS. Harl. 4700, written about 1430, and perhaps the oldeſt extant of the Regiam Majeſtatem. And ſee the reign of James V.

1371—1437 the parish church was dedicated, and sometimes on sundays. Thither the merchant or the chapman brought his goods; and the farmer and the peasant disposed of their products, and returned to their wives, daughters, or mistresses, with necessaries, or little luxuries, the cloths and tools of Flanders, or the silks and spices of Venice and the East.

Yet the defect of industry in agriculture, pasturage, and manufactures, occasioned as above mentioned a great balance against Scotland, and affected the coinage, which till the year 1355 had been equal in name, weight, and purity, to the English. In a parliament of June 1385, it was ordered that the moneyer should issue coin of sterling purity, either from bullion, foreign money, or vases and other plate; and render out of the pound weight of silver twenty-nine shillings and four pennies, or in other words three hundred and fifty-two pennies. Those who bring blanks of France are to have the same weight, except the loss of six blanks in the pound. The English noble of six shillings and eight pence is ordered to go for seven shillings and eight pence Scotish: the French crown of 47 deniers for 42 Scotish pennies; and that of Flanders for 47 and a half-penny; while the French mouton is to bear 50. The exportation of money, by sea or land, is prohibited, on pain of forfeiting the sum, and even the life of the offender to be in the king's power; except foreign merchants who bring corn, wine, boards, or the like necessaries, who may export their profits [a]. In the reigns of Robert III, and James I, Scotish money was to the English as one to two. The gold coinage of Scotland commences with the accession of the house of Stuart [b].

Navigation

[a] Register, f. 74.

[b] Anderson Dipl. Grants of Robert III appear to Thomas Melville, officer of the mint, and to Galfur Goldsmith, coiner. Scotf. Cal. Harl. 4609, f. 121.

The

Navigation continued in a ſtate of imperfection. The ſhort and heavy ſhape of the ſhips, with a high chamber on the poop and prow, or fore and back caſtle, large tops like galleries in the maſts, and other inartificial mechaniſm, preſents a ſtriking contraſt to the light elegance, and rapid movements, of modern veſſels. Even the galleys, or ſhips with oars, diſplayed their high caſtles, and a form far from agile. The ſhips had thus leſs command of the ſea, and were more expoſed to the ſtorm, ſo that it is no wonder that ſailing in the winter months was ſtrictly prohibited. James I ordered with great juſtice that, in caſe of ſhipwrecks on the Scotiſh coaſts, foreign veſſels ſhould undergo the ſame laws as were practiſed in the countries to which they belonged [4]. To judge from what little evidence ariſes few foreign ſhips viſited Scotland, and the little trade was chiefly conducted by the natives. 1371—1437

## SECTION V.

### *Eccleſiaſtic Hiſtory, Literature, Language.*

IN the middle ages the hiſtory of literature is intimately connected with that of the church; and it is a ſingular reverſe of chance and time when literary men, themſelves the prieſts of the muſes, become enemies of their predeceſſors the prieſts and monks, whoſe influence was only that of knowledge over ignorance. During thoſe barbarous times, when ſcience was neglected, and force alone reigned, a literary man could not

The latter was probably a foreigner, Fleming or Lombard. It is probable that the engravers for the mint alſo executed the ſeals of the middle ages, the beſt productions of art in theſe times.

[4] Acts, f. 9. 21. A *carrick* of Lombardy was wrecked near Leith, Oct. 1425. Bowar, 487.

1371—1437 purſue his ſtudies, except in a monaſtery: and there is reaſon to believe that many cordially deſpiſed the ſuperſtitions which they profeſſed, and had, like the ancient philoſophers, their exoteric doctrine for the people, and their eſoteric for the learned: at leaſt this ſeems the moſt rational way of accounting for the preſervation of many claſſics, and works of philoſophy, little accordant with the chriſtian purity, and doctrine; and for ſome minute but ſingular circumſtances, in ſeveral ſculptures and manuſcripts of thoſe times.

That chriſtianity had an eminent effect in the progreſs of civilization, it would be abſurd to deny. Its enemies aſſert that it introduced only new motives of diſcord, proſcribed all vigour of intellect by the imbecility of belief, excited innumerable wars of religion, (a contradiction in terms almoſt unknown to the ancient world,) murdered millions for any abſurd dogma; and even by the ſeverity of its doctrines, tended to vitiate or madden mankind, unable to obſerve laws repugnant to their nature. But ſuch are human affairs that no eminent advantage can be produced, without great concomitant diſaſters; and the objections proceed upon a fallacious ground, as being eſtimated from a partial view of the influence of chriſtianity in civilized times, inſtead of a general retroſpect of its influence on barbarous nations and periods. The tenets of the ancient philoſophers had been confined to a few individuals; but the chriſtian ſyſtem was diffuſed through all ranks of men; and its progreſs into the northern kingdoms is marked by the firſt dawn of ſcience, and civilization. It was in itſelf a ſyſtem of education; and thus accompliſhed what no conqueſt, intercourſe, nor form of government, could have ſupplied; and even where its firſt ſteps are marked with blood, the temporary evil produced a laſting benefit, by aboliſhing the conſtant wars and ſlaughters of ſavage life, and the

immolation

immolation of human victims to deformed idols. Reaſon has as yet had no power over nations, and enthuſiaſm alone could produce ſuch wide and laſting effects: but while ſome may doubt whether any particular ſyſtem of religion be deſigned by providence as an eternal fabric, or as a ſcaffolding to hide and accompliſh ſome great deſign, let us be contented to aſcribe to chriſtianity its juſt merits, in advancing the ſtate of barbaric ſociety. 1371—1437

The hiſtory of the church of Scotland preceding the reformation preſents few important events, and the chief are inwoven with the national annals. Only ſome detached facts and remarks are reſerved for this place.

The privileges of the Scotiſh church are often confirmed in the ſtatutes, but are no where preciſely enumerated. They ſeem to have been an exemption from tribute and war, and from the ſentence of a temporal judge: a judicial authority in the ſpiritual cauſes of tithes, teſtaments, matrimonial and heretical affairs: freedom to let lands and tithes: ſubmiſſion to no foreign church, but to the pope alone: a power of holding provincial councils for the regulation of the national church. In benefices the pontiff had only the right of confirmation and deprivation, and the purchaſe of any benefice at Rome was ſtrictly prohibited. The biſhops were elected by the chapter, and the royal recommendation ſeems ſeldom to have intervened. Abbots were choſen by the monks alone; the ſecular clergy were named by the proprietors of the lands [5].

[5] Theſe clergy were either parſons, (rectors,) or vicars. Many were in the appointment of the biſhops, and of collegiate bodies, whoſe chapters they formed. Hence the lay patronage was much confined. The parochial antiquities of Scotland have been little explored; but the number of pariſh churches ſeems to have encreaſed ſince the reformation. It appears, from the foundation charter of the collegiate church of Dunbar, that a vicar's ſalary was about ten marks ſterling, or about ſeventy pounds modern currency.

Many

1371—1437 Many ſees, and abbeys, were opulent; but James III ſeems to have been the firſt monarch who ſeized and made a traffic of the nomination.

Winton gives a ſingular tale, unknown to other writers, concerning the appointment of a biſhop of St. Andrews. In the year 1399 Walter Danielſton, parſon of Kincardin O Neil in Aberdeenſhire, by ſome means took poſſeſſion of the caſtle of Dunbarton. Three years after, on the death of Trail biſhop of St. Andrews, Thomas Stuart brother to the king was elected by the chapter, but not confirmed by the pope; and Danielſton offered to ſurrender Dunbarton, if the ſee were aſſigned to him. The terms were accepted by Albany: but Danielſton only ſurvived this ſtrange tranſaction half a year [6].

James I introduced the Carthuſian order into Scotland: he found the Benedictine and Auguſtinian monks ſo relaxed in their diſcipline, that he wrote a letter of exhortation on the ſubject to their abbots and friars [7]. After a lapſe of near a century, a general council of the Scotiſh clergy was held at Perth in 1420; but its regulations are of little moment. Another council met Antony biſhop of Urbino in February 1437, but the king's death prevented any procedure [8].

The maſs, pilgrimages, and preachings, formed the great objects of devotion. Bowar diſplays the virtue of the maſs, in ſaving three monks of his monaſtery, who were bringing ale in a boat that was loſt, with a credulity worthy of the ninth century [9]. The moſt noted pilgrimage appears to have been Whithern; and James I iſſued a general permiſſion to the

[6] Ms. 886. [7] Bowar, 508.
[8] Innes Eſſay, II, 587. Bowar, 502.
[9] Cont. Fordun, 467.

Engliſh

Engliſh and people of Man to viſit that ſanctuary [1]. Sermons in the vulgar tongue were not only delivered by the preaching friars, but by ſuch of the biſhops, and other ſecular clergy, as were capable. At the coronation of Robert III, 1390, Thomas biſhop of Galloway preached the ſermon [2]. An idea of theſe ſermons may be drawn from thoſe at the opening of Engliſh parliaments: latin ſentences from ſcripture were mixed with declamations in the language of the country. 1371—1437

Scholaſtic divinity continued to be regarded as the chief branch of literature: an idle ſtudy, in which the powers of the human mind were conſumed in mere diſputation concerning ideal words, while things were neglected or unknown. The acuteneſs waſted on quiddities, entities, and other abſurdities, might if applied to life, manners, or real ſcience and philoſophy, have made important diſcoveries: but ſuch is man, ever ready to abandon the important realities before him, and eager in purſuit of barren viſions. Till the univerſity of St. Andrews was founded in 1412, the Scotiſh youth deſigned for the church were chiefly educated at Paris and Oxford [3].

Amid many important circumſtances, which mark the acceſſion of the houſe of Stuart, may be placed the commence-

[1] Scotſ. Cal. "The ſauls of Whithorn." Rabelais, II, 322, mentions the frequent pilgrimages to St. *Treignan*, (Ringan, a Scotiſh corruption of Ninian,) and I, 250, puts St. Treignan of Scotland, as a common oath.

[2] Winton, 860. The homilies in latin were for the clergy, and for publication: but ſermons in the vulgar tongue ſeem to have continued in all ages. The Anglo-ſaxon homilies are innumerable: and the practice might be evinced from contemporary writers of all centuries, in France and other countries. Des Urſins in particular often mentions ſermons, being himſelf an archbiſhop.

[3] The firſt profeſſorſhips at St. Andrews were for ſchool-divinity, canon-law, philoſophy and logic: the profeſſors Lindoris, Cornel, Shevis, Gill, &c. Bowar, 445.

ment

1371—1437 ment of a ſucceſſive ſeries of Scotiſh authors; while before that period hardly half a dozen can be enumerated, at diſtant intervals, and thoſe chiefly meagre chroniclers or rimers in latiſh. At the head of this ſeries ſtands John Barbour archdeacon of Aberdeen, who in 1375 wrote his celebrated hiſtorical poem on the actions of king Robert the Great. He alſo compoſed a genealogy of the kings of Scotland, from the fabulous Brutus of Geffrey of Monmouth, down to Robert II inclufive; and endeavoured to render the new dynaſty more illuſtrious by poetical embelliſhment. This work is loſt; but we learn that he derived the Stuarts from Wales, and from Fleance de Waran, and fell into unchronological errors which Bowar points out, about ſixty years after the appearance of this ideal genealogy, an offering of flattery on the altar of loyalty [4].

John of Fordun, an uſeful compiler of hiſtory, alſo flouriſhed under Robert II. His work was however little known, till it was republiſhed with large additions by Walter Bowar in the reign of James II. Thomas Barry, canon of Glaſgow, and firſt provoſt of the collegiate church of Bothwell, wrote a long latin poem, in various kinds of rime, on the battle of Otterburn, 1388. It is preſerved by Bowar, and is not without merit in its ſingular line [5].

Andrew Winton, prior of Lochleven, compoſed his riming chronicle of Scotland, while Murdac duke of Albany was regent, 1419—1424, as appears from his prayer that the ſon of Robert Duke of Albany may equal his father [6]. James I is well known as a poet of great genius. It is likely that Sir

[4] Barbour's Bruce, London 1789, pref. p. xix. Bowar, 542.

[5] Cont. Fordun, 406.

[6] MS. 901. "The fruite of him God graunt to be
Sik as in his tyme was he."

Hew

Hew of Eglinton, Etrik, Heriot, John Clerk, James Afflek, Mungo Lockhart of Lee, and Clerk of Tranent, old poets mentioned by Dunbar, belong to this period: and we know that metrical romances were now common, and formed a favorite amuſement of James I [8]. Barbour and Winton preſent ample ſpecimens of the Scotiſh language at this epoch. 1371—1437

The civil, canon, and municipal, law, muſt have been cultivated; but no certain work remains on theſe topics, though the ſtatutes evince conſiderable ſkill and prudence. Moral philoſophy, natural hiſtory and philoſophy, mathematics, medicine, practical divinity, aſtrology, chymiſtry, were branches of ſcience not uncultivated at this period, but no trace of them can be found in Scotland.

## SECTION VI.

### *Ornamental Arts, Manners, Dreſs.*

THE ſtate of the arts was not ſo mean as may be imagined. Architecture, in particular, began to aſſume all the richneſs, of which the Gothic ſtyle is ſuſceptible. To the credit of Robert II and III it may be remarked, that no religious foundation is aſcribed to them; and the revenues of the crown were keeped ſacred from ſuperſtition. Of the latter prince it is recorded, that when Annabella his queen endeavoured to perſuade him to erect a magnificent tomb for himſelf, he anſwered, with his accuſtomed piety and humility, that he would prefer the meaneſt ſepulchre, as more proper for one of the worſt of kings, and greateſt of ſinners [9]. The foundation of

[8] Contemp. account of his aſſaſſination. [9] Bowar, 440.

1371—1437 monaſteries had; in the preceding century, remarkably ſubſided. The wealth of the monks had rendered them voluptuous, illiterate, and remiſs in their duties, ſo that even the maſſes for the founders appear to have been uncelebrated. Hence a new ſpecies of religious foundation became faſhionable in the fifteenth century, that of collegiate churches or provoſtries, ſo named becauſe the ſuperior was ſtyled provoſt. The ſecular canons, or prebends, formed a body at the college church, occupied in divine ſervice, and ſinging maſſes for the founders, while their vicars ſerved their reſpective pariſh churches. Theſe collegiate edifices, with ſome foundations for the Obſervantines, a branch of the Franciſcans or Gray Friars remarkable for auſterity, preſent the moſt certain and genuine ſpecimens of eccleſiaſtic architecture at this period; ſuch as Dunbar, Bothwell, Botham, Corſtorphin [1].

The larger caſtles continued to be diſtinguiſhed by one or two exterior walls, and a court in the centre of which ſtood a large and high tower, or donjon. Some there were which approached to more modern architecture, being built around a central court, and only fortified with a ditch and drawbridge. Every *laird* or country gentleman had his *fortalice*, or tower, a lofty edifice with ſmall windows, ſurmounted by a flat ſtone roof and battlements, and ſecured by a ditch. In towns the few chief houſes had more of the modern ſtyle, fortification being unneceſſary while the town was guarded by a wall and ditch. The architecture ſeems to correſpond with the Flemiſh; the Scotiſh artiſans perhaps ſtudying in Flanders.

[1] Spottiſwoode, Religious Houſes. Winton MS. 835, gives ſome account of the architecture of a part of the church of St. Andrews, which had been burnt down, and was rebuilt by biſhop Landal, 1341—1385. Tombs of conſiderable elegance are alſo found in Scotland, of the period now under view; but nothing is known of the artiſts.

Bowar-

Bowar celebrates James I for the conſtruction of palaces, and reparation of caſtles, but he does not ſpecify the inſtances[2]. Gardening was alſo a favourite amuſement of that prince; and Bowar mentions his delight in planting herbs, and trees, and in grafting[3]. The uſe of pot-herbs ſeems never to have been interrupted in the middle ages; and conſtant intercourſe with Flanders, a celebrated ſeat of horticulture, muſt have given the Scots a taſte for gardening. The monaſteries in particular were diſtinguiſhed for good gardens and orchards[4]. 1371—1437

In painting it is probable that no native artiſt aroſe, though James I was himſelf an eminent calligrapher, illuminator, and painter in miniature[5]. But Venice had already introduced many arts from Conſtantinople, and in the current of commerce had imported them to Flanders. Oil-painting in particular was known for centuries, before John Van Eyck about 1410 made ſome improvement, which gave him the fallacious honour of being conſidered as the inventor[6]. In the erection of the palaces, colleges, and churches, often commemorated in this century, it ſeems impoſſible that painting ſhould have been forgotten. An old writer mentions that, on the execu-

[2] Cont. Ford. 514.

[3] Ibid. 505. Till the year 1500 the gardens even in France had only *treilles, berceaux, tonnelles, preaux, ſieges, et pavillons de verdure.* Le Grand, I, 150.

[4] There is an idea, or tradition, that coleworts were introduced in the north of Scotland by Cromwell's ſoldiers. They may have laid out a few gardens, or introduced ſome particular cabbage or pot-herb, but *olera* were common in Scotland in 1267. Fordun, II, 105. The provincial council of 1269 mentions the tithes of gardens in town or country. Wilkins, I, 611. And in the preceding century David I was fond of gardening, as Ailred obſerves in his life. Vitæ Sanct. Sc. 444, 449. Arnoldus Villanovanus, A. D. 1300, enumerates three ſorts of cabbage, white, green, and frizzled. See alſo Creſcentius de Agricultura.

[5] Bowar, 505. [6] Raſpe on oil-painting, 1781, 4to.

1371—1437 tion of Murdac duke of Albany, his ſons, and Lennox, 1425, they were buried in the Blackfriars church at Stirling, on the ſouth ſide of the great altar, with paintings of their perſons and arms [7]. Heraldic painting, at leaſt, muſt have been common [8].

James I was alſo diſtinguiſhed for his ſkill in muſic; and the chronicler in celebrating this talent throws ſome light on the ſtate of muſic in Scotland at the time. That prince, he ſays, ſung well; and played on the tabor, bagpipe, pſaltery, organ, the flute, the harp, the trumpet, the ſhepherds reed: on the harp in particular his performances were admirable, and were highly applauded both by Iriſh and Engliſh maſters [9].

In the conſideration of the manners of the great, hunting forms an eminent feature. Deer-ſtealers were ſeverely puniſhed; and a ſtatute appears ordering that no partridges, plovers, black-cocks, muir-cocks, nor other game, be taken from the beginning of Lent till Auguſt, under a penalty of forty ſhillings [1]. Falconry ſeems to have been a favourite diverſion of Murdac duke of Albany; and was long to continue in high eſteem [2].

But tournaments preſented the grandeſt theatre of entertainment. In 1390 Sir David Lindſay of Gleneſk, afterwards

[7] "Figuris, et armis, eorundem, depictis." Extracta e Chron. Scot. p. 272, apud Douglas Peerage, p. 397. For paintings A. D. 1400, ſee the Statiſtical Account of Scotland, I, 329.

[8] The engraving of ſeals, one of the chief arts of the middle ages, may alſo be conſidered as belonging to heraldry.

[9] Bowar, 504, 505. The terms are, *tympano et choro, pſalterio et organo, tibia et lyra, tuba et fiſtula... cithara.*

[1] Acts, f. 7. 19. In 1416 a pair of ſtorks, *ciconiæ*, built in the ſteeple of St. Giles, Edinburgh, and remained a year. Bowar 449. The crane, *grus*, is commemorated in Adomnan's life of Columba, Vitæ S. S. 96.

[2] It is firſt mentioned by Firmicus in the fourth century. Le Grand, I, 320, ſays the hound, and glove for the falcon, on a tomb, ſhew a pacific perſonage; the lion, helmet, &c. a warriot.

earl

earl of Crawford, paſſing with a gallant train to a tourney, appointed at London by Richard II, overcame lord Wells, a valiant knight, both in the horſe and foot combat: and the circumſtances are detailed with minute pride by the Scôtiſh chroniclers [1]. On the day after the conteſt, a ſpecimen aroſe of the rude wit of the time; an Engliſh knight ſaying that there were no doubt bold men in Scotland, but ſuch were the iſſue of the Engliſh by illicit intercourſe with Scotiſh ladies, during the conqueſt of that kingdom; to which Sir William Dalyel, a knight in Lindſay's train, retorted that the caſe might be true, but that it was equally certain that a proportional degeneracy had taken place among the Engliſh warriors, the progeny of valets, cooks, clowns, and fathers confeſſors, whom the ladies had admitted to their arms, during the abſence of their lords in Scotland. And Sir Piers Courtenay, an Engliſh knight, royal champion, and brother to the primate, wearing on his ſleeve an embroidered falcon, with this motto, 1371—1437

I beer a falcon, faireſt of flicht,
Who ſo pinches at her, his death is dicht
In graith.

Dalyel aſſumed a ſimilar dreſs, with the badge of a magpye, and this device,

I beer a py pykkand at ane pes,
Quhaſa pykkis at her, I ſal pyk at his neſe
In faith.

The challenge was underſtood, and accepted; but the affair terminated in a ludicrous demand of Dalyel, that, as by the laws of tournament, the champions ought to be perfectly equal,

[1] Winton 853—856.

and

1371—1437 and he had loſt an eye at the battle of Otterburn, Courtenay of courſe ſhould have one of his extinguiſhed before the combat[4]. In 1394 the earl of Moray was ſlain in a tourney with the earl Marſhal of England: and in 1407 Mar was defeated in a ſimilar conteſt[5]. James I ſeems not much to have encouraged theſe ſpectacles: and it is his higher praiſe that he brought the realm to ſuch tranquillity, that there was no occaſion to proceed to any court in arms, nor to raiſe any ſpear, except that which bore the royal pennon, the mark of his omnipreſent authority[6].

While the commonalty were ſo much attached to the football and golf, that poſitive ſtatutes became neceſſary againſt theſe diverſions, in order that archery might meet with due attention, the great amuſed themſelves with *pawme* or tennis. The diſpoſal of the evening, a great object in a life of eaſe, forms a marked diverſity in the manners of the great in different ages. Among the ancients the chief repaſt, at that time, beguiled the fatigues of the day. But the barbaric cuſtoms of a large dinner in the morning, and a ſlight ſupper three or four hours after noon, left the evening liſtleſs, ſolitary, and vacant. The game of *tables* or draughts, ſupplied modern cards; and the minſtrels now and then atoned for the want of theatric exhibitions. The evenings of James I paſſed in playing at cheſs, or tables, reading romances, ſinging, piping, harping: the *voidée*, or parting cup, was the ſignal of retiring to reſt[7].

In food little luxury ſeems to have been known, till James I, who had reſided nineteen years in England, ſet the example

[4] Bowar, 423. [5] Caxton's Higden, f. v. 398. Winton, 903.
[6] Bowar, 512. [7] Contemp. account of his aſſaſſination.

of

of a higher ſtyle of living [8]. Under Robert II, the French knights could procure no wine but at a great price; the ale was no better than ſmall-beer, and the bread was of barley or oats [9]. Among the Romans indeed barley bread was the food of gladiators, to give them ſtrength; it was alſo a favorite of the Greeks, and Hippocrates has written in its praiſe. In the cookery of the middle ages meat was highly ſeaſoned; and even the wines were often mingled with ſpices. Diſtilled ſpirits are unmentioned even in the ſouth of Europe, till about the year 1300; and were chiefly confined to the ſhop of the apothecary till the ſixteenth century. There ſeems little mention of brandy or whiſkey in Scotland, till the reign of Charles II [1]. 1371—1437

The dreſs of the common people has already been deſcribed; but that of the great was more complex. The linen ſhirt began to be uſed, over which was a doublet, or veſt with ſleeves; and the jacket or the gown ſupplied the modern coat [2].

The

[8] Hence the loud complaints of Boyce againſt the luxuries introduced by James I. Winton, 904, mentions Mar's open houſe and table, at the ſign of the Tin plate, a tavern in Paris. Tin or pewter plates now began to be uſed inſtead of wood.

[9] Froiſſart, Tome II, f. 182.

[1] *Aqua vitæ* diſtilled from wine was known as a medicine in France, about the middle of the twelfth century, and ſeems a product of Arabian chymiſtry imported by the cruſaders. Arnoldus Villanovanus A. D. 1300 is the firſt however who ſpeaks in preciſe terms of *aqua vitæ*, and recommends it for moſt diſorders, in his book on the preſervation of youth. Le Grand Vie Privée des François, Paris 1782, 3 vols. 8vo, Tome III p. 63, ſeqq. And he elſewhere obſerves that the diſtillers are not known as a *confrairie* at Paris, till 1537. Schoockius de Cereviſia, 1661, ſays that corn-ſpirit is derived from Ruſſia. Whiſkey was originally the Iriſh Uſquebauh, a literal tranſlation of *aqua vitæ*, being barley, ſaffron, and ſugar, decocted, and mixed with corn-ſpirit.

[2] The gown when very cloſe was called a circoat, and ſometimes by the female term *kirtil*, as appears from the catalogue of the wardrobe of Henry VIII.

in

1371—1437 The hoſe, or breeches and ſtockings in one piece, and ſhoes of *cordwain*, cordovan or Spaniſh leather; and the hood, or the ſilken or velvet cap, ornamented with jewels, completed the dreſs. An act of James I prohibits any to wear ſilk, or the finer furs, except thoſe lords and knights whoſe income amounted to two hundred marks a year, and their heirs; the uſe of embroidery, pearls, or ornaments of plate, was alike reſtricted; but others might wear *ſerpes*, belts, broaches, and chains [3]. The belt, or girdle, formed alſo a neceſſary article of the dreſs of the great: and there were other modes adapted to different ranks and occaſions, the mantle or ſhort cloke open at one ſhoulder, the tabard or looſe jacket, and the like. But the gown and the robe, and their furring, conſtituted grand objects of diſtinction and expence, being generally of ſilk, velvet, or cloth of gold. Other particulars may be learned from the contemporary account of the aſſaſſination of James I: that prince was "ſtanding in his night-gown, all undreſſed ſave his ſhirt, his cap, his comb, his coverchief, his furred *pynſons* upon the form." Shoes with long peaks, faſtened to the knees with chains of gold or ſilver, were in faſhion for ſome time, as appears from numerous authentic teſtimonies; but it is remarkable that they occur in no painting nor illumination [4].

The

in Strutt, III, 80, conſiſting of robes, gowns, kirtles, coats, and doublets, where a kirtle with ſleeves is mentioned. And in the Speculum Regale, p. 286, a man's tunic is termed *Kyrtil-ſlaus*. The gown was put on as a ſhirt is, and was girded. Circoat ſhould be *ſurcote*, as being over the coat or jacket, often worn over the *doublet*, ſo called apparently as being a double dreſs under the jacket. Juvenal des Urſins deſcribes, p. 177, the whole dreſs of Charles VI as conſiſting of a ſhirt, veſt, (*gippon*) robe, hoſe, and boots.

[3] Acts, f. v. 20.

[4] The Eulogium Britanniæ, written apparently in the beginning of the reign of Richard II, 1377, gives the oldeſt teſtimony concerning theſe chains; and

Roſs

The dreſs of the ladies conſiſted chiefly of the *kirtil*, or cloſe gown and petticoat in one piece, and the mantle. Other articles were, the *wylicot* or under petticoat, ſhift of fine linnen from the Netherlands, hoſe or high ſtockings of linnen or woolen cloth, and ſhoes of leather from the *Straits*, Morocco or Spain. Nor ought the girdle, and the broach, which faſtened the mantle, to be omitted. The head-dreſs appears to have varied conſiderably, according to the rank or taſte of the wearer [5]. 1371—1437

Roſs (Warw. Chron. p. 205) ſays they began in that reign. They were probably confined to it, whence their rarity in illuminations: but ſhoes with long pikes appear in the ſtatutes, 3 E. IV. c. 5, repealed 24 E. IV, 1483, and are common in MSS.

[5] In deſcribing the female dreſs, Chaucer (Miller's Tale) mentions the *ſeint* or girdle, the *barme-cloth* or apron, ſhift embroidered round the neck with black ſilk, forming a collar, white *volupere* or cap with a fillet or ribbon, leathern purſe with ſilk taſſels and ornaments of metal, broad broach, ſhoes high laced. The wylicot, hoſe, and order of the garter, he modeſtly omits: the kirtil and mantle he paſſes as trivial.

# BOOK VI.

## CONTAINING THE REIGN OF JAMES II.

*Minority and regency—truce with England—Crichton, Livingſton, and Douglas—marriage of the queen dowager—execution of Douglas—marriage treaty with Bretagne—power of Douglas—fall of Crichton and Livingſton—death of the dauphineſs, and the queen dowager—execution of Livingſton—Engliſh incurſions—battle of Sark—marriage of James, his character and active authority—parliament—affairs with Douglas—his treaſons—murder of Maclellan—Douglas ſtabbed by the king—commotions allayed—tranquillity—univerſity of Glaſgow founded—grand rebellion of Douglas—quelled—conflict at Arkinholm—death of Moray and Ormond—parliament—James invades England—truce—parliament—ſiege of Roxburgh—death of James.*

1437 OF the reign, now about to be deſcribed, no original and authentic hiſtory remains; and at a period when we might expect a light ſo ſtrong, as to illuminate the minuteſt features of action, and of character, a kind of twilight ſurrounds us, in which only a few large objects can be diſcerned. The acts of parliament, and other records, preſent unqueſtionable evidence; but it is not in the fixed formality of ſuch writings that the moſt intereſting details of hiſtory are to be found; and any regular epiſtolary correſpondence concerning

public

public affairs Scotland cannot display, till towards the end of 1437
the reign of James IV. These remarks are introduced to
solicit some indulgence for this particular part of the narra-
tion; in which however no labour shall be spared to recover
authentic facts, and to place them in a distinct point of view[1].

A parliament being called at Edinburgh, the first object was 25 Mar.
the coronation of the young king, now only in the sixth year
of his age, and which was solemnized on the twenty-fifth
day of March, then reputed the first day of a new year[2]: the
next, was an act passed to revoke all alienations of lands, or
other property, belonging to the crown, since the death of the
late king, except granted by the consent of the three states;
and to declare all future alienations void, save those warranted
in like manner, until the king shall have attained his twenty-
first year[3].

[1] Bowar, the continuator of Fordun, terminates his historical labours with the death of James I. The scanty original materials, for the reign of the second James, are chiefly the brief notices at the end of Bowar's work, p. 518—520, and the history by John Mair, Paris 1521, Edin. 1740, 4to. p. 322—326, his injudicious narrative of English affairs abridging the real object of his work. Hector Boyce closed the first edition of his fables, 1527, with the death of James I: and happy had it been for our history, if he had not written the reign of James II at great length; which, after circulating in MS. and being translated, (with the interpolation of two large passages after mentioned,) by Lindsay of Pitscottie, was published in the second edition of Boyce's history by Ferrerius, Paris 1574. Not only has Lindsay translated Boyce's fabulous account, but Lesley and Buchanan have been contented to abridge it, without corrections, or new facts. In this reign only will Boyce be occasionally quoted, and with much hesitation.

With the reign of James III commence four original historians, seldom or never borrowing from each other, Lindsay, Ferrerius, Lesley, Buchanan.

[2] Acts, f. 26. The date is, among many similar corruptions, put 20th March. But see Ruddiman's notes on Buchanan, I, 439. The continuator of Bowar, p. 518, rightly dates the coronation of James on the 25th March.

[3] Acts, ibid.

1437 In our defect of conſtitutional information it is not to be diſcovered by whom this parliament was ſummoned. Late writers aſſert that this high privilege was exerted by the officers of ſtate; but their duty certainly expired with the deceaſed ſovereign, and the ſacred truth that ſuch officers belong to the nation is a modern diſcovery. The ſame authors careleſsly inform us that the government was divided, by the parliament, between Sir William Crichton the chancellor, and Sir Alexander Livingſton appointed keeper of the king's perſon. Both accounts ſeem more than doubtful. There is every reaſon to believe, from the repeated oaths of fidelity ordered by James I to be taken to his queen, and from other circumſtances, that the late monarch had, by his teſtament, appointed the queen regent, with a choſen council[4]: that the parliament was called by the regency: and that Crichton and Livingſton were not

[4] The contemporary MS. on the death of James I aſcribes the puniſhment of the regicides to the queen, an indication that the chief power was in her hands.

Of the MS. annals of this reign by Sir James Balfour a tranſcript has been obtained; but they are of little value, and chiefly abridged from Boyce's hiſtory. He mentions the following perſons as the council of regency; Sir William Crichton, Archibald earl of Douglas, William lord Hay, great conſtable, James lord Lindſay, Walter Haliburton, treaſurer, James Kennedy biſhop of St. Andrews, Henry Lighton biſhop of Moray, Mr. William Trumbull, keeper of the privy-ſeal. Livingſton as keeper of the king's perſon Sir James regards as poſſeſſed of the chief authority: but this council is probably from ſome record, as he dates its election 27th March. Yet Kennedy was not biſhop of St. Andrews till 1440; the biſhop of Moray was John Wincheſter; Lighton was biſhop of Aberdeen. (Keith's Biſhops.) So much for Sir James's accuracy.

From Scotſtarvet's Calendars the following officers appear towards the beginning of this reign: Sir William Crichton, chancellor; Alexander Livingſton, *lord* of Calendar; James Livingſton, captain of Stirling caſtle; William Trumbull, keeper of the privy-ſeal; Sir Robert Lauder of Edrington and Baſs, juſticiary; John Railſton, ſecretary; Richard Craig, director of chancery; Walter Haliburton, treaſurer; John Shevis, clerk of regiſter; Nicol Ottirburn, official of Lothian.

indebted.

indebted to the national council for their power, but derived it from the will of James I. It is moſt improbable that a proud ariſtocracy ſhould have forſaken their pretenſions, upon this great occaſion: but that the late king ſhould have appointed two gentlemen of reputed wiſdom and integrity, in oppoſition to the dangerous ambition of the nobles, is concordant with his character, and highly credible. A ſimilar ſeries of events enſued to thoſe which occur in the minority of James V: the ſpirit of the nation, and of the times, was little adapted to the conduct of a female hand, not only feeble, but expoſed to juſt ſuſpicion, becauſe the queen was a native of England, between which country and Scotland had long ſubſiſted either open enmity, or inveterate jealouſy. Finding that her power could not command confidence, nor influence, ſhe ſoon ſhrunk from it; and left Crichton and Livingſton to maintain their turbulent elevation. 1437

An open war with England had taken place before the death of James I, and the ſpirit of that prince was not ſuch as to ſolicit peace; but the preſent ſtate of Scotland, under the diſtractions of a minority, rendered a treaty deſireable. After ſome negotiation, a ſafe conduct was granted, by Henry VI, to John biſhop of Glaſgow, Alexander Seton of Gordon, Sir Walter Ogilvy, and Sir John Forſter, as embaſſadors from Scotland[s]: yet, from ſome unknown cauſe, probably a diſſenſion between Crichton and Livingſton, theſe embaſſadors were not ſent. Soon after, other perſons were appointed, namely the lords Gordon and Montgomery, Methven provoſt. 18 Sept. 30 Nov.

[s] Rymer, X, 677. In 1402 the houſe of Gordon cloſed in a daughter, wedded to SETON, the real name of this noble family. So in 1660 the title of Hamilton paſſed to the Douglaſes.

of

1438. of Lincluden, ſecretary to the king, and John Vaus eſquire;
31 Mar. and a truce of nine years was ſanctioned [6].

If we credit the doubtful accounts which we have of this reign, Crichton had found means, probably by the ſuperior influence of his office, as chancellor, to gain poſſeſſion of the infant king, whom he retained in the caſtle of Edinburgh. The queen, favouring the juſt claim of Livingſton, by a ſtratagem obtained, and conveyed her ſon to Stirling, and delivered him to the care of his legal guardian. The chancellor applied to Archibald earl of Douglas for his aſſiſtance, which was denied: Livingſton inveſted the caſtle of Edinburgh; but he and the chancellor agreeing to join againſt Douglas, concord was reſtored [7].

There cannot be a ſtronger proof of the ignorance of our earlier writers, concerning this reign, than their aſſertion that the powerful earl of Douglas was neglected, while it is known, from authentic records, that he held the high office of lieute-
27 Nov. nant general of the kingdom, and even ſummoned a parlia-
1439 ment [8]. In another national aſſembly it was ordered that the
13 Mar. lord lieutenant, and the king's choſen council, ſhould hold two ſeſſions yearly for the adminiſtration of juſtice: and that the lord lieutenant ſhould ſeize any rebels, or deſpoilers, lodged in caſtles, or ſtrongholds, and enforce them to find ſurety for their good behaviour [9]. But Archibald earl of Douglas died this year; and was ſucceeded by his ſon, a youth whoſe years

[6] Rymer, X, 679, 688. Rymer erroneouſly ſuppoſes the murder of James I. to have happened between the commiſſions of September and November; a ſtrange miſtake, as any Scotiſh hiſtory might have ſhewn that it happened in lent.

[7] Boyce, lib. XVIII, init. Lindſay's tranſlation, p. 5—11, Edit. Edin. 1778, 8vo.

[8] Aberc. II, 319, from MS. records. [9] Acts, f. v. 26.

did

did not exceed fourteen, and were too immature to ſupport 1439
the dignities of his father [1].

Meantime petty feuds and commotions deſtroyed the public peace and welfare: the flood of ariſtocratic tyranny and violence, which had been confined by the ſtern government of James I, burſt the temporary barriers, and deluged the country.

Joanna, the queen-mother, married Sir James Stuart, commonly called the Black knight of Lorn: the barbariſm of the age rendering it unſafe for a woman of rank to remain without the protection of a warlike huſband But Sir James Stuart being a friend to the family of Douglas, as is ſaid, Livingſton confined him, and his elder brother, and even the queen, till they engaged not to ſupport the houſe of Douglas. The fruit 1440
of Livingſton's inſolence was that the chancellor, by another ſtratagem, recovered the poſſeſſion of the king's perſon, and conveyed him to Edinburgh. But, by the mediation of friends, a laſting agreement was at length formed between them; and the king was committed to Livingſton's care, as ordered by his deceaſed father [2].

[1] Boyce and Lindſay date the death of Douglas in 1439. His epitaph, Hume's Dougl. I, 267, bears that he died the 26th June 1438: but three original deeds confute this date, Aberc. II, 319, and ſhew that for M.CCCC.XXXVIIII (1439) Hume read 1438; or, as not unfrequent, an erroneous date might occur in an epitaph, if placed long after the event.

[2] Boyce, lib. XVIII. Lindſay's tranſlation, 13—24. The impriſonment of the queen is evidenced by a charter, to Alexander Napier, comptroller, for his ſervice to the queen-mother, to the king, and the recompence of a hurt in his body, at the time of the traitorous betraying and impriſonment of the ſaid queen, by Alexander Livingſton, knight. The lands granted are thoſe of Philde in the lordſhip of Methven, and ſheriffdom of Perth, in the king's hands by the forfeiture of the ſaid Alexander Livingſton, to be held blanch for a ſilver penny: 7 March 1449-50. Scotſt. Cal. ſub data.

However

1440 2 Aug. However this be, it is certain that a parliament was held at Stirling[3], in which it was decreed that the privileges of the clergy ſhould be obſerved: that the adminiſtrators of juſtice ſhould hold their ſeſſions twice a year: and, by a remarkable act, that "the king ſhould ride through the realm, immediately upon intelligence being ſent to his council, wherever any rebellion, ſlaughter, burning, robbery, outrage, or theft, happened; to call the ſheriff of the ſhire, wherein the crime was committed, before him, and before he leaves the ſhire to remedy the miſchief and puniſh the offenders; in the execution of which ordinance all the barons, with one aſſent, are obliged to aſſiſt[4]." In this ſingular decree we find the legiſlative body regarding the king in the modern light of a chief magiſtrate, bound equally with the meaneſt ſubject to an obedience to the laws: yet it may be ſuſpected that this new ſtyle, uſed by the parliament, flowed from temporary circumſtances, and not from fixed principles of the conſtitution; the nonage of the king evidently pointing the act to thoſe who had the cuſtody of his perſon, as implying that the ſovereign was not to be the priſoner of an individual, but the free inſpector of his kingdom at large.

The power of the houſe of Douglas had ariſen to a formidable height, and was during this reign to contend with the royal authority. Galloway, Annandale, and other extenſive territories in Scotland, the duchy of Touraine and lordſhip of Longueville in France, rendered to the chief of that family revenues perhaps equivalent to thoſe of the Scotiſh monarch. The young earl, now in his ſixteenth year, poſſeſſed the impetuous ſpirit, and haughtineſs, natural to his age and fortunes.

[3] Acts, f. v. 26. [4] Ibid. c. 5.

His

His higheſt title, that of duke of Touraine [5], which a weak regency had permitted the houſe to aſſume, and which impolicy had not applied to the French king to diſcontinue, emboldened the Douglas to regard himſelf as a foreign prince, independent of the laws of his country. The prudence of age might have induced a concealment of pomp, and power, from the fear of envy, and danger; but, in the arrogance of youth, William earl of Douglas diſplayed a conſtant train of one thouſand horſe, and a dazzling magnificence in his houſehold; nay he would even create knights, and hold courts in imitation of parliaments [6]. 1440

The chancellor, who, by his office, was chiefly charged to ſee the due execution of the laws, was irritated at the inſults offered to them by the power of Douglas. Inſtead of bearing with the young earl's inſolence, in the hopes that a few years would infuſe moderation and prudence into his conduct; inſtead of ſecretly uſing the king's influence with the court of France, that the foreign titles and poſſeſſions might be withdrawn from the family, Crichton reſolved to cut off the earl, and his brother; a meaſure which might perhaps have admitted ſome apology, had they been advanced to maturer age, for it ſeems ſtrictly equitable that an oppreſſor, who is above the procedure of juſtice, may be ſacrificed to the laws, without any procedure of juſtice; but which, while we conſider the tender age of the offenders, muſt be pronounced unjuſt, murderous, and tyrannical. Nay when the conſequences are

[5] This title was proudly borne in Scotland. Margaret ducheſs of Touraine, counteſs of Douglas and Longueville, occurs in two charters about this time. Scotſt. Cal. Harl. 4620 (unpaged, but beg. J. II.) She was the king's aunt, the widow of Archibald firſt duke of Touraine, ſlain in 1424.

[6] Boyce, lib. XVIII. Lindſay's tranſl. p. 13.

1440 ſeen, this act will appear weak and impolitic, and will incur the bittereſt charge of depravity, that of ineffectual guilt.

By plauſible invitations, and flatteries, William earl of Douglas, his brother David, and Malcom Fleming of Cumbernauld, a faithful adherent of the family, were inveigled into the caſtle of Edinburgh, and after an inſidious entertainment, and a brief and deluſory trial, were beheaded [7]. The earldom of Douglas fell to the next male heir, James lord of Abercorn, ſurnamed the Groſs, a prudent and peaceable man, but who unfortunately enjoyed his title only two years, and left a turbulent ſon William, the third of that name: the unentailed eſtates of Galloway, Wigton, Balvenie, Ormond, and Annandale, were inherited by Margaret, ſiſter of the murdered earl, commonly called The Fair Maid of Galloway, who wedded her couſin the third William, thereby reſtoring the houſe of Douglas to all its power [8]. The want of wiſdom in the government, upon this occaſion, exceeds belief; but it is eaſier to commit a murder, than to perform an action of common prudence, and crime ought never to infer ability. Margaret was apparently a ward of the crown; at any rate the new earl

[7] Cont. of Bowar, 518, (and Bowar, 490, note.) Chron. end of Winton. Mair, 322. Among the fables of Boyce, and all becomes fable in his hands, is the tale of the bull's head, preſented before Douglas as a ſymbol of death. Such a ſignal were abſurd in itſelf, and the height of impolicy. As Boyce connects the Scots with the Egyptians, &c. this ſymbol may perhaps be traced in ſome ancient author: at preſent it ſuffices to ſay that it was unknown to Scotiſh hiſtory and manners.

[8] Yet James the Groſs held theſe titles, or his epitaph is again erroneous. Hume Dougl. I, 295. In a charter of 1440 he is ſpecially called earl of Anendale, and lord Balveny. Scotſt. Cal. Wigton and Ormond do not appear, and may have been unentailed. If James had Galloway, &c. why did they not paſs to his ſon? Beatrix, wife of James the Groſs, is, by ſome writers, confounded with the fair maid of Galloway.

William,

William, and the heireſs, were within the degrees of conſan- 1440
guinity, and he was forced to apply ſecretly to the pope for a diſpenſation, which not arriving ſo ſpeedily as he hoped he married her on Good Friday, in the time of Lent, a day and period eſteemed as unlawful as the marriage[9]. The oppoſition to this connection ought to have been cogent, the pretexts for annulling it were juſt: but for this unaccountable neglect the regency, the nation, the king, were afterwards ſufficiently to ſuffer.

An embaſſy arrived from Bretagne, to propoſe a marriage 1441
between Francis count de Montfort, ſon and heir of John V ſurnamed the Good and Wiſe, and Iſabella of Scotland ſiſter to the king[1]. The propoſals were favourably heard; and Sir George Crichton admiral of Scotland[2], Foulis archdeacon of St. Andrews, and William Monipeny eſquire, who was afterwards

[9] Boyce, lib. XVIII. Lindſay's tranſl. 30. Hume's Dougl. I, 293, 294. Yet the fact is doubtful. She ſeems to have been very young, and only affianced; for in Feb. 1449-50, appears a grant of her marriage to earl William, Scotſt. Cal. and publiſhed in Hay's Vindication of El. More, p. 66.

[1] Lobineau Hiſt. de Bret. Paris 1707, folio, p. 619. On this occaſion Lobineau relates, after Argentré, that on the return of his envoys, Hingant and Pencoedic, duke John V aſking their opinion of the lady, they anſwered that ſhe was beautiful, of elegant ſhape and blooming health, but ſpoke little, apparently not from diſcretion but great ſimplicity. The duke's noted reply was, "Chers amis, je vous prie retournez en Eſcoce, et me l'amenez; elle eſt telle que je la deſire. Ces grandes ſubtilités en une femme nuiſſent plus qu'elles ne ſervent; je n'en veux point d'autre. Par Saint Nicolas j'eſtime une femme aſſez ſage, quand elle ſait mettre difference entre la chemiſe et le pourpoint de ſon mari." Lobineau gives her portrait from an original in the cathedral church of Vannes.

[2] Lobineau, as uſual with the French, corrupts his name to *Trethon*. He was perhaps the ſecond ſon of the chancellor, and is, it is believed, the firſt admiral of Scotland on record, though "the admirals of the Scotiſh king" be mentioned in the truce of 1429. Rymer, X, 482. Crichton appears as admiral of

1441 wards employed in many negotiations, proceeded to Bretagne
19 July to complete the tranſaction. It was ſoon after ſettled that James ſhould pay with his ſiſter a portion of one hundred thouſand *ſaluts* of gold; and the duke of Bretagne agreed to a dower of ſix thouſand livres [3]. Her voyage was, from unknown cauſes, delayed till the following year.

1442 The truce with England, which would have expired in 1447, was, by anticipation, extended for ſeven years longer, till the firſt day of May 1454 [4]. Iſabella ſiſter to the king
Nov. proceeded to Bretagne, where ſhe was wedded to the new duke Francis I [5].

1443 Sir William Ruthven, ſheriff of Perth, conveying an highland freebooter to juſtice, was attacked by a body of Athole men, led by one Gormac, but by the ſpirit of Ruthven, and ſome gentlemen in his company, the aſſailants were defeated,
4 Nov. and about thirty ſlain [6]. A parliament was held at Stirling: of its proceedings we only know that an act was paſſed, to ſecure the property of the church againſt deſpoilers [7]. Some doubts having ariſen concerning the ſucceſſion to the important

Scotland in a charter of 1 April 1450: in Feb. 1451 he is ſtyled George Crichton of Cairns, admiral of Scotland. On the 8th July 1452 he is earl of Caithneſs. Scotſt. Cal. The title had paſſed to the crown on the forfeiture of Athole; and on the death of Crichton was conferred on the Sinclairs of Orkney. Suth. Caſe, c. iv, p. 44, 45.

[3] Lobineau, ib. The ſalut might be worth 10*s*. The livre was then about one ounce of ſilver, and perhaps equal to two pounds of modern eſtimation.

[4] Rymer, XI, 4.

[5] John V had died on the 28 Aug. 1442. Iſabel landed at the caſtle of Aurai 30 Oct. with a great train of Scotiſh lords and ladies. Lob. I, 621.

[6] Boyce, lib. XVIII. Lindſay's tranſl. 30, 31.

[7] Acts, f. 27. Of this year appear to be the anſwers to the articles of the Scotiſh king, Veſp. F. VII, f. 59, for they mention that the Scotiſh parliament was to meet 4 Nov. They chiefly concern the payment of 40,000 marks, due for the *ranſom* of James I.

earldom

earldom of Orkney, Thomas of Tholac, the biſhop, made a formal report on the ſubject to Chriſtopher III, king of Denmark Sweden and Norway, in which the right of the houſe of Sinclair is evinced [8]. 1443

The king now approached his fourteenth year, when, by the uſage of moſt kingdoms, he was regarded as capable of managing his affairs: the perturbation of a minority, flattery, and the danger of oppoſing the royal will, as ſoon as the ſlighteſt degree of manly thought appears, concurring to ſuppoſe in princes, whoſe ſtation is the moſt difficult, a far more early diſcretion than is to be found in the common ranks of mankind. That reign muſt indeed be very weak, which tranſcends not the inefficacy, and diſturbances of a regency. By the common courſe of human affairs, the young king deteſted the control of Livingſton and Crichton; and the numerous friends of the houſe of Douglas were ſucceſsful in ſharpening his reſentment againſt thoſe ſtern guardians, who had held him in captivity, and in turning his affections to the earl of Douglas, whoſe youth was more congenial with that of the king, and whoſe power could irreſiſtibly enforce the royal deſigns. It is ſaid that Galbraith, a partiſan of Douglas, having ſlain Semple deputy governor of Dunbarton caſtle, and ſeized the whole command of that fortreſs, Douglas became anxious for the event, and proceeding to the king's preſence, put himſelf wholly in the power of James, with profeſſions and oaths of the humbleſt fidelity: and that the monarch, delighted with his ſubmiſſion and behaviour, admitted him to his 1444

[8] This valuable diploma is printed in Wallace's Orkneys, and in the Orkneyinga Saga: and is one of the moſt curious hiſtorical pieces of that dark period. The tranſcriber has, by a common error, omitted *quadrageſimo* after *quadringenteſimo*, whence the date 1403: but the real epoch is clear from the contents.

moſt

1444 moſt choſen counſels[9]. However this be, it is certain that the office of chancellor was now taken from Crichton, and conferred upon James Bruce biſhop of Dunkeld[1]. Crichton ſhut himſelf up in the caſtle of Edinburgh, of which he had been governor ſince the late reign, with a reſolution to defend himſelf againſt the violence of his enemies: and Livingſton, who was leſs obnoxious, either by office or crimes, held the caſtle of Stirling. Douglas uſed his new power with an exceſs, dangerous to the king, and to himſelf. In a ſhort time all the followers of the late adminiſtration were diſplaced, and ſucceſſors devoted to the preſent miniſtry were appointed: three brothers of Douglas ſoon became peers[2]. Archibald, by marrying the younger daughter of James Dunbar, earl of Moray, acquired that title and eſtate, upon the death of his father-in-law, to the prejudice of the chancellor's eldeſt ſon James, who had wedded the elder daughter[3]. Hugh was created earl of Ormond; and John lord of Balveny[4]. This acceſſion of power to a family, before too potent, was the height of impolicy, and could only be granted by a youth to a favourite.

1445 Douglas procured a parliament to be held, in which Crichton and Livingſton were denounced rebels, and their eſtates

[9] Boyce, lib. XVIII. Lindſay's tranſl. 31.

[1] Crawf. Off. 32, from a charter. Keith Biſhops, 54, from another.

[2] James and Archibald were twin brothers of the ſecond birth. The former was the firſt born, but was in the church, (ſee Drummond 50.) He was however afterwards to become earl of Douglas.

[3] Crawf. Off. 311. His peerage, and that by Douglas, under the title.

[4] Peerages. The lands were before in the family. Ormond was erected into a marquiſate by James III for his younger ſon. Suth. Caſe, ch. IV, p. 57, whence it appears that Ormond was a hill, (probably an ancient moot-hill or court of juſtice,) in Ardmanach on the eaſt of Roſsſhire. Yet there is a village of the name, two miles weſt of the chanonry of Roſs. Pont's Maps.

forfeited.

forfeited. The caſtle of Crichton was taken, and deſtroyed; 1445
and, in revenge, the late chancellor made excurſions from the caſtle of Edinburgh, and ravaged the lands in Lothian belonging to Douglas. The kingdom fell into complete anarchy, and became one ſcene of violence and diſorder[5].

James was induced to beſiege the caſtle of Edinburgh, which was bravely defended by Crichton[6], who had indeed no reaſon to regard the royal army but as that of Douglas. The ſiege was turned into a blockade, and continued till the next year.

Eleanor and Jane, the two unmarried ſiſters of James, proceeded to France, to their ſiſter the dauphineſs, apparently on the death of the queen-mother[7]; for Scotland was in a ſtate of lawleſs confuſion; and there was reaſon for apprehenſion, that Douglas would convert the princely bridals into a further acceſſion of power to his family. Upon their arrival, they found the dauphineſs dead[8]: but the French monarch received them 16 Aug. with

[5] Boyce, lib. XVIII. Lindſay's tranſl. 33, 34. It is certain that a parliament was held in July 1445, and paſſed an act ordaining that all the lands and effects of the late king ſhould be enjoyed by the preſent during his minority, (Acts, f. 27;) a ſtatute probably pointing at Crichton and Livingſton.

[6] Cont. of Bowar, 519. Mair, 322.

[7] Perhaps after her death, (Berry, 158,) the preciſe date of which is unfixed: but it certainly happened before 24th Nov. 1445, of which date there is a ſafe conduct to James Stuart the huſband of the deceaſed queen of Scotland. Rymer, XI, 107.

[8] Berry hiſt. de Charles VII, (publiſhed with the works of Alain Chartier, Paris 1617, 4to.) p. 158, "elle etoit belle et bonne donne." Duclos hiſt. de Louis XI, 1, 57. She was only in her twenty-ſecond year, and was buried at Chalons.

The ſingular fate of this princeſs may excuſe a digreſſive note, from the original materials furniſhed by Duclos, III, 26—61, being the informations taken in Oct. 1445, and in 1446, concerning the cauſe of her death. Theſe informations purport that certain words ſpoken by the malicious Jamet de Tillay,

1445 with great affection, and demanded a diſpenſation for marrying the elder to the dauphin, which being refuſed by the pope, ſhe

lay, an officer of the dauphin, had penetrated ſo deeply the tender and melancholy heart of Margaret, as to occaſion her death. Their truth ſhe denied on the perdition of her ſoul; but ſhe would recline on her ſofa, and exclaim, Ah Jamet! Jamet! you have gained your purpoſe. If I die it is on your account, on account of the fair words you have ſpoken of me, without cauſe or reaſon. At other times ſhe would ſay, May I die if I ever wronged my huſband! The ſeneſchal of Poitou, preſent when the latter expreſſion eſcaped, exclaimed, Falſe and wicked ſcoundrel, ſhe dies by your malice! On her death-bed her confeſſor could hardly perſuade her to pardon Jamet: and ſhe cried out, Now he has gained his purpoſe. The words, ſhe ſaid, were the worſt that could be pronounced of a woman, and tended to ruin her in the opinion of the dauphin. Almoſt her laſt expreſſion was, Were it not for my conjugal faith, I ſhould repent that I had ever come to France.

On the ſecond examination in 1446, May—Aug. Jamet de Tillay was twice queſtioned; and the queen of France herſelf gave a depoſition. Tillay confeſſed that, on entering the chamber of the dauphineſs in the duſk of the evening, and perceiving no lights, he ſaid it was *grande paillardie* in the officers to ſhew ſuch negligence; denied that he accuſed lady Pregente of managing Margaret's amours, as he would not wiſh more chaſtity in his own wife, than he was perſuaded belonged to the dauphineſs; and he offered the duel to any man who would ſay that he had arraigned her honour: denied that he aſſerted that Margaret's illneſs aroſe from love, while he only ſaid that it proceeded from her ſitting up all night, making rondeaux and ballads, (44, 52;) and that ſhe would never have a child while ſhe was ſo fond of ſour apples and vinegar. He denied that he ſaid the dauphin did not love his wife becauſe "les baſſes marches ne ſe portoient pas bien." The queen's depoſition proves Tillay to have been a malicious meddling fellow, capable of any falſehood. His ſecond examination bears that Margaret would compoſe twelve rondeaux in a day; that ſhe ſometimes was laced too tight, at other times too looſe. The fatal words at length appear to have been "Avez vous point vu cette dame-la? Elle a mieux maniere d'une paillarde que d'une grande maitreſſe." "Have you ſeen that lady? She has more the appearance of a harlot than of a great princeſs." He denied that he had ſaid them, and offered the duel; aſſerting that no lady could have more of the appearance of high birth. But the words were confirmed by another witneſs, p. 59.

On

ſhe was many years after wedded to Sigiſmund duke of Auſ- 1445
tria: and Jane returned to her own country [9]. The queen-mother who died this year, left three ſons by her ſecond huſband, John, and James, afterwards earls of Athole, and Buchan; and Andrew, who became biſhop of Moray [1].

Meanwhile the diſorders of the country encreaſed, under the miſmanagement of Douglas, and cauſed even the regency of Crichton and Livingſton to be regreted. Among the petty feuds, commemorated in our dubious annals, a diſcord of more importance is introduced. A diſpute ariſing between Lindſay ſon of the earl of Crawford, and Ogilby of Innerquharity, the former was joined by his father, the latter by the earl of Huntley, and a deſperate conflict enſued. Crawford, Huntley, and Ogilby, were ſlain, with many other gentlemen, and near two hundred of their followers [2].

Crichton at length ſurrendered the caſtle of Edinburgh, 1446
upon terms highly advantageous to himſelf, for his eſtates, and honours, and even his office, were to be reſtored; and the conditions were ſtrictly adhered to [3]. Several reaſons ap-

On the whole Margaret was too fond of poetry, and her adventure with Alain Chartier is well known; ſhe was too careleſs of her perſon and manners, and had perhaps a ſecret blemiſh which diſguſted the dauphin. But the character of her huſband, afterwards Louis XI, is of black malignity; and her accuſer was proved to be a "ſcoundrel" and "common liar," qualities which doubtleſs recommended him to the ſpecial protection of Louis.

[9] Duclos, I, 57. Roo Ann. Auſt. 399. Jane was wedded to Angus. Crawf. Stuarts, 36.

[1] Berry, 158. Stewarts Gen. 171. Leſley, 298, ſays ſhe died 15 July 1446.

[2] Boyce, lib. XVIII. Lindſay's tranſl. 34—36. Leſley, 297, dates this conflict 13 Jan. 1445—6.

[3] Lindſay, p. 37. Crawf. Off. 30, ſuppoſes, with great probability, that Crichton was not reinſtated in the office of chancellor, till the death of biſhop Bruce 1447. In 1448 he appears as chancellor in an inſtrument. MS. Leagues, Fr. and S. and du Tillet, f. 140.

1446 pear to have induced the king and Douglas to ſuch conceſſions: it was probably now diſcovered by both that the aged experience, and abilities, of Crichton were neceſſary to give ſome ſtability, and order, to government, and reſtore greater reſpect to the laws. Douglas ſeems to have found that, by graſping all, he would loſe all; and that the acceſſion of Crichton's talents, and fame, would much ſtrengthen the power of his adminiſtration. It alſo appears that Crichton had never been cordially united with Livingſton, but had from neceſſity only conſented to concord; and now when the death of the queen-mother had left Livingſton deſtitute of ſtrong influence, he ungenerouſly made his peace with Douglas, by the ſacrifice of his colleague. It has ſurpriſed ſome that Douglas ſatiated his revenge upon Livingſton and his family, who were innocent of the murder of his two relations; and that Crichton was never charged with that aſſaſſination: but it is reaſonable to infer that there were powerful motives for this conduct; the king himſelf had been preſent at the murder, and in the jealouſy of his authority might conſider it as a matter rather too delicate for diſcuſſion; Douglas might have had little inclination to condemn an action, which laid the foundation of his power; and the intention of which was perhaps not unknown to his father, who might otherwiſe have immediately inſtigated the whole force of the houſe of Douglas againſt the government [4].

The earl of Douglas was, about this time, created lieutenant general of the kingdom [5]; an office of extreme power, which had been held by one of his predeceſſors at the commencement

[4] Yet the violence of Livingſton to the queen in 1439, (ſee a note on that year,) indicates the tyranny of his character; and he might be the chief inſtigator of the aſſaſſination of the Douglaſes.

[5] Abercr. II, 333. The Acts, f. 28, mention a lord lieutenant in 1449.

of

of this reign. He now reſolved upon the perdition of the family of Livingſton, which had only done its duty to the king and kingdom, by oppoſing the exorbitant influence of the houſe of Douglas. Accordingly Sir Alexander Livingſton, formerly keeper of the king's perſon, James his eldeſt ſon, Robert and David Livingſtons, and Sir James Dundas, and Sir Robert Bruce, connected with the family, were committed to ſeveral priſons: but Sir Alexander, and the two other knights, Dundas, and Bruce, were delivered upon paying large ſums of money: the others were tried and beheaded [6]. 1446 Dec.

Although the truce with England had, in 1442, been continued from 1447, when it was otherwiſe to expire, till 1454, yet the Engliſh borderers, knowing the confuſion into which the maladminiſtration of Douglas had plunged Scotland, reſolved to avail themſelves of the occaſion. The ſaintly imbecility of Henry VI, and the cabals of the queen's party, and that of the duke of Glouceſter, diſtracted the government, and rendered the ſubjects unruly and diſaffected. Several inroads of the borderers took place this year; in which, as is ſaid, Dumfries on the one part, and Alnwick on the other, were burnt [7]. 1447

Ravages

[6] Boyce, lib. XVIII. Lindſay's tranſl. 38, 39. It is ſurpriſing that there is no ſuperior authority for theſe events: but Livingſton's forfeiture is mentioned in the charter of 1450, narrated in the notes to 1439; and that of James his ſon, Robert *burgeſs of Lithgow*, and James Dundas, in a charter 22 May 1450. Scotſt. Cal. Yet Crawf. Off. 312, and Dougl. Peer. 412, ſeem to evince that *James* Livingſton was not executed. Boyce calls this eldeſt ſon *Alexander*.

In 1446 Dunbar caſtle was ſeized by Patrick Hepburn, a rebel, as appears from a catalogue of the Coldingham charters now at Durham, in bibl. Harl. 4623.

[7] Boyce, lib. XVIII. Lindſay, 40, *adds* Alnwick.

1448 Ravages of ſuch importance called greater powers into action; and the battle of Sark, ſo called from a river in Annandale, terminated the difference in a manner advantageous to the Scots. Unfortunately we have no Engliſh, nor Scotiſh contemporary account of this battle, the only one which occurs between the nations for a long period of time. When at the diſtance of near a century we find records of this action, the Engliſh paſs it in complete ſilence, and the Scots too much ſwell their victory. The accounts of Jean Chartier, and Monſtrelet, ſeem to deſerve the preference; but even there the numbers appear to be exaggerated. According to the French hiſtorians, the Engliſh, to the number of fifteen thouſand, conducted by the earl of Huntingdon and lord Percy, apparently wardens of the marches, entered Scotland by the weſtern border, and advanced ſix miles into the country. The earl of Douglas haſtily advanced, with only ſix thouſand, attacked the enemy in the open field; conquered, and took the two generals captives. Upon the tidings of this defeat, the earl of Saliſbury, who was lord lieutenant of the north of England, raiſed an army of ſixty thouſand, and ſent this formidable force to invade Scotland. Douglas, and his brother Ormond, with thirty-two thouſand men, attacked the Engliſh by ſurprize, and put them to a total route; with the incredible loſs of between twenty and twenty-four thouſand, taken and

Hay, in his Vindication of Elizabeth More, Edin. 1723, 4to, has publiſhed, p. 65—73, a curious paper of 25 Aug. 1447, determining the priority of birth to James Douglas above his twin-brother Archibald earl of Murray.

About this time died Cameron biſhop of Glaſgow, who is diſtinguiſhed by impiety in the fictions of Boyce. His curious canons, 1432, may be found in MS. Harl. 4631, Vol. I, p. 47; and his great crime ſeems to have been his ſeverity in church diſcipline.

ſlain.

ſlain. The Scots then entered England, and ravaged the country as far as Newcaſtle[s]. 1448

[s] The reader will in vain conſult the Engliſh hiſtorians for this battle, the only one of importance, from that of Halidon 1402 to that of Flodden 1513. Harding, Caxton, Julian Notary, Fabian, Hall, Leland, Coll. 1, 494, even the copious Holinſhed, are equally ſilent. But the Engliſh hiſtory, 1422—1509, is very defective.

Monſtrelet, III, f. 8, edit. 1518, derives his account from the great chronicle of St. Denis; and ſays that three Scotiſh prieſts of the dioceſe of Dunblane, related it upon oath before the chronicler of France at St. Denis. He dates it 1449; but the truces of that year, and the ſilence of Rymer in 1448, ſupport the date commonly aſſigned by our hiſtorians. The battle of Sark alſo occurs, Cont. of Bowar, 519; and the war between England and Scotland in Jean Chartier, p. 142, who, p. 146, narrates the battle of Sark in the ſame way with Monſtrelet, but with many corroborative circumſtances. For Huntingdon he ſeems rightly to put Sir Thomas Harrington. Jean Chartier was himſelf *Chantre* of St. Denis. Add that the chronicle of Zanfliet of Liege, who wrote in 1461, bears at 1450 that the Scots invaded England, and took great prey, but he dates this the ſame year that James wedded Mary of Gelder: col. 471, in Martene's Anecdota.

Among the unpubliſhed pieces of Rymer, N° 4610, there are ſome articles tending to confirm this war. Art. 14, 3 Feb. 1449, is a commiſſion to Clifford, Scrope, &c. on march affairs, mentioning the *malicious purpoſe* of the Scots; *Saliſbury* was warden of the weſtern marches. Art. 15, ſame date, ſame effect; the Scots are ill-diſpoſed to England, and annoy the marches: Henry excuſes the nonattendance of theſe peers in the parliament to meet 12th Feb. (1449, Parl. Hiſt. II, 250.) Art. 9, 8 July 1449, is a commiſſion to the biſhop of Chicheſter, and lord Beaumont, to treat for *abſtinence of war*, or a truce. Art. 10 to ſame effect, 27 Aug. 1449.

Leſley, 301, dates the battle of Sark, 1450. The Magnus with the red mane of the fabulous Boyce is Magnus Redmain, a common Engliſh name on the borders, from the reign of Henry IV. Sir Richard Redmain is mentioned in truces of that reign, Veſp. F. VII, f. 93 and 95, n. 1. In a French hiſtory of Scotland, Veſp. C. XVI, f. 41 ſeq. he is ludicrouſly called *Barberouſſe le Grand.*

Add that in 1448 Douglas iſſued ſevere ſtatutes for the regulation of the borders, probably occaſioned by war. See theſe curious ſtatutes of Lincluden, Titus, F. XIII, f. v. 39, and in the Appendix.

Sir

1448 Sir William Crichton, chancellor of Scotland, John Railſton biſhop of Dunkeld ſecretary, and keeper of the privy ſeal, and Nicholas Ottirburn official of Lothian, had paſſed on a ſolemn embaſſy to France and Burgundy. The grand objects of their miſſion were, to renew the alliance with France; and to diſcover a proper bride for James now in his eighteenth year. The league between France and Scotland was accord-
31 Dec. ingly repeated in the moſt ſolemn and ample form, and with a confirmation of all the preceding treaties, ſince that of Charles the Fair and Robert I, in the year 1326[9].

1449 As the court of France then preſented no ſuitable wife for the Scotiſh king, the embaſſadors proceeded to that of Burgundy. Philip the Good, who ruled that potent duchy, or rather kingdom, with celebrated wiſdom and ſplendor, had in 1430, as above narrated, concluded a commercial treaty with Scotland for one hundred years. He recommended to the embaſſadors his kinſwoman Mary, daughter of Arnold duke of Gelderland, as a lady worthy of the hand of their ſovereign[1].

This matrimonial engagement was accordingly entered upon, in the preſence of envoys from France, then in ſtrict
1 April alliance with Burgundy. The treaty was concluded at Bruſſels; and bore that Philip ſhould pay at Bruges in the courſe of two years ſixty thouſand crowns of gold, as the portion of the bride. James enfeofed Mary in Strathern, Athole, Methven, Linlithgow, and other lands for the payment of a dower

[9] Du Tillet, f. 140. The commiſſion of James is dated 6 May 1448, r. 12.

[1] Treaty James and Philip, 1 April 1449, MS. Harl. Vol. III, f. v. 6; where it is mentioned that the envoys found Mary, "jam nubilem et formoſam;" and that they returned to France to conſult Charles VII, who ſent with them embaſſadors to expedite the marriage.

Arnold of Egmont became duke of Gelder in 1423, and died in 1468. His ſon Adolf having rebelled againſt him, he left his territories to Charles the Bold duke of Burgundy. Miræi Chron. Belg. Antv. 1636, folio, p. 304.

of

of ten thouſand crowns, in caſe of his previous deceaſe; and 1449
he relinquiſhed all the hereditary claims of his wife, in caſe her father left a male heir. On the ſame day a perpetual league of mutual defence was concluded with Philip; in which the duke of Gelderland was comprehended [2].

During the negotiation reciprocal intercourſe, and feſtivity, occupied the courts of Scotland and Burgundy. A Burgundian hiſtorian deſcribes at great length a tournament celebrated, in the time of lent, at Stirling in the preſence of the Scotiſh king, the judge and rewarder of the combat. Two Burgundians of the noble houſe of Lalain, and a third ſtyled the ſquire Melyades, challenged two of the Douglaſes, and Halket, to fight with the lance, battle-ax, ſword and dagger. After a feſtival of ſome days, the combatants entered the liſts, clothed in velvet, and proceeded to their pavilions to arm; the earl of Douglas himſelf, attended by not leſs than about five thouſand followers, accompanying the Scotiſh champions. After having been ſolemnly knighted by the king, the parties engaged: the ſpears were ſoon thrown away: one of the Douglaſes was felled by a battle-ax, and the combat becoming unequal, the king threw down his baton, the ſignal of its termination [3].

As

[2] Treaties James and Philip MS. Harl. 4637, Vol. III, f. v. 6, and f. 11. In Dec. 1449 the dukes of Bretagne and Auſtria are joined in the ratification of the treaties with France and Burgundy. Scotſt. Cal.

[3] De Coucy, p. 567. His curious and intereſting annals of a few years are publiſhed by Godefroy, at the end of the hiſtory of Jean Chartier, Paris 1661, folio. He ſeems to have been engaged in the negotiations, and to have accompanied Mary of Gelder to Scotland. For this combat compare Cont. of Bowar, 519, who mentions the champions, James Douglas brother of the earl, (a circumſtance which, with others, occaſions great doubt of his having been a churchman,) James Douglas brother of Lochleven, and John Roſs of Halket.

Jaques

1449 As the lady had been educated in the court of Philip, he defrayed, with his accuſtomed magnificence, the nuptial preparations on her ſide. The lord of Vere in Zealand, whoſe ſon had before this period married a ſiſter of James, was appointed to conduct the bride; who with many tears took leave
June of the duke, and his ſon the count de Charolois. Coaſting, not without terror, along the inimical Engliſh ſhore, on the ſixth day Scotland aroſe to their eager eyes; and they anchored near the iſle of May, where then ſtood a hermitage and a chapel ſacred to St. Andrew. Having paid her devotions, the queen proceeded to Leith, where ſhe was met by many nobles, and a concourſe of all ranks of people, who to the poliſhed Burgundians appeared almoſt barbarians. Seated on horſeback behind the lord of Vere, Mary advanced to Edinburgh, where ſhe was lodged in the convent of the jacobins or gray-friars. After the refreſhment of the following day, the king viſited her at midnight, and remained three hours. In the courſe of a week her nuptials, and coronation, were celebrated with much barbaric pomp [4].

Jaques Lalain was one of the moſt celebrated knights in Europe. Olivier de la Marche is full of his praiſe. The Scotiſh tourney he deſcribes, p. 271. Herué de Meriadet was a ſquire of Bretagne, p. 265. Lalain was killed by a cannon-ball in 1453, p. 394. The family ſeat was in Hainault.

[4] De Coucy, 574, ſeq. The more minute parts, illuſtrative of manners and cuſtoms, are reſerved for that department. In the barrenneſs of materials, for the reign of James II, the information of that writer is invaluable, and yet has been unknown to all our hiſtorians!

The numerous biſhops and nobles, accompanying Mary in Boyce's deceitful page, f. 366, Lindſay's tranſl. 38, are quite unknown to this honeſt contemporary. From the firſt page to the laſt Boyce is equally a fabuliſt.

Conſult alſo Olivier de la Marche, who however briefly mentions the marriage of Mary of Gelder to James, "un moult beau et plaiſant chevalier, jeune et vertueux roy; et fut celuy qui avoit la moitié du viſage rouge."

The

The victories of Douglas had afforded little compenſation to Scotland for his tyranny and oppreſſion, which ſeemed to increaſe in proportion to the continuance of his power. For him, and his followers, there was no law, and the country groaned under the moſt deſtructive anarchy. But the ſix heavy years of his authority were ſoon to expire; and different circumſtances were already preparing to leſſen his influence. The charms and ſenſe of the queen began to infuſe a more manly character into her huſband, to arouſe him from his lethargy, and to form a party capable of undermining the odious power of Douglas. 1449

James II may now be ſaid to have aſſumed a permanent character, of which the delineation ſhall be here attempted, as far as barren and ſcanty materials will admit. His actions proclaim him a prince of deciſive, and ſometimes even violent, ſpirit. In war he was a valiant and popular leader; and ſurpaſſed his father in a marked attention to military diſcipline. Negligent of pomp, the equal of every ſoldier, he ſhared the mean repaſt of the march, confident that poiſon is ſeldom adminiſtered in veſſels of wood, repoſing abſolute faith in the love of his people [s]. The power of his abilities, the excellence of his intentions in peace, are beſt diſplayed by the laws of his reign, always the moſt inſtructive and valuable portion of hiſtory. His wiſdom appears conſpicuous, in his reverence for the counſels of the wife, in guiding his moſt important actions by the experience of Crichton, and the benign and patriotic prudence of Kennedy. The perdition of the ariſtocratic and tyrannic houſe of Douglas was to be a ſpirited exertion of juſtice to himſelf, and to his people. But that any fixed plan yet exiſted, for the deſtruction of the ariſtocracy, ſeems a refined theory, incongruous with the ignorance and ſpirit

[s] Mair, 326.

1449 and manners of the times; and is beſt confuted by the plain facts, that the families abaſed are ever remarkable for important crimes, and that the property, and power, which were withdrawn from one houſe, were ever to be beſtowed on another. Even when Louis XI, and Henry VII, were, towards the termination of this century, in countries of greater civilization, and political ſcience, to humble the ariſtocracy, an unprejudiced reader will be ready to infer that the events proceed rather from chance, and circumſtances, and the rotation of ſociety, than from deſign. As to the perſon of the ſecond James, we only know, that it was robuſt; and that a red tinge, which deformed one of his cheeks, gave him the vulgar appellation of James with the fiery face [6].

The truce with England had been, in May, renewed for a very ſhort time; and among the commiſſioners named to prolong it, in September, we find Livingſton, who had been again taken into favour, and appointed juſticiary of Scotland: a circumſtance which appears to preſent a proof that the influence of Douglas was much on the decline. At length, in November, a truce of a new and ſingular complexion was ratified, bearing no certain term, but that either monarch might violate it, when he pleaſed, upon giving a notice of one hundred and eighty days [7].

One of the laſt traces of the power of Douglas occurs in the decrees of a parliament, held at Edinburgh, this year, and

[6] Mair, 322. "James with the red cheek, or with the fire in his face." Chronicle end of Winton, MS. Reg. 17DXX.

[7] Rymer, XI, 229, 231, 235, 247. Sir Alex. Livingſton of Calendar, juſticiary of Scotland, occurs p. 235. The paper concerning Berwick and Roxburgh, 14 Nov. 1449, p. 244, is a curious ſpecimen of language. In June 1450 Dr. Methven had a ſafe conduct as envoy from James. Rymer's Unp. Papers, 4610, art. 49.

probably

probably in the early part of it. The ſheriffs are therein or- 1449
dered to cauſe reſtitution be made of any ſtolen effects: if
they ſhould refuſe, or be negligent, or partial, the complainant
is to apply to the king's lieutenant, who is to puniſh the ſheriffs
as if they were the robbers: and they are to be treated as thoſe
who diſobey the king's acts, given under the royal ſeal, and
decreed by the lieutenant, and the three eſtates [8]. It would
appear, from this ordinance, that the office of lieutenant ge-
neral of the kingdom wanted little of being a ſole regency.

This dangerous dignity certainly fell, ſoon after the marriage
of the king: and Douglas retired from the court, attended
with the execrations of the people. It is ſaid that Sir Richard
Colville, having ſuffered repeated injuries from Auchinleck,
a follower of Douglas, thought he might now venture upon
revenge; which he completed in the ſlaughter of his enemy.
Douglas, irritated at this inſult offered to his fallen power,
ravaged the lands of Colville, beſieged his caſtle, took it, and
left not one inhabitant alive [9]. That age, in the true ſpirit of
chivalry, praiſed the earl's exertion of friendſhip: at preſent
this action appears in its real colours, as a ſanguinary revenge,
as a contempt of juſtice, as an inſult to the laws, and to ſo-
ciety; and as peculiarly diſgraceful to him who had been the
ſecond magiſtrate in the kingdom.

The commencement of the king's active authority was 1450
ſignalized by a memorable parliament, held at Edinburgh, in Jan.
which a great number of ſalutary regulations were iſſued [1].
It is ordained that a general peace be proclaimed through all

[8] Acts, f. 28, 20 Jan. 1449, regni 13—1450. Yet this parliament, being diſtinct in the acts from that of Jan. 1449-50, ſeems to belong to 1449.

[9] Boyce, lib. XVIII, Lindſay's tranſl. 53.

[1] Acts, f. 28—31. This may be the ſame with the former; but is here, f. v. 28, dated 19 Jan. 1449.

1450 the realm, ſo that all men might travel in ſecurity, without any protection, ſave that of the king's peace; and if any ſubject ſtand in fear of another he may have *borrowes of peace*, that is a pledge for his good behaviour: that juſt, and able, judges be appointed: that the juſticiary ſhall paſs twice through the country in the year, as ordered by the ancient laws: that any rebellion againſt the king be puniſhed according to its nature, and by the advice of the three eſtates; and if any openly rebel, or make war upon the king's ſubjects, in defiance of his prohibition, the king ſhall advance againſt them with the whole force of the land, if neceſſary, and puniſh them according to their deſerts. Theſe unuſual ordinances ſufficiently paint the diſorders, into which the bad adminiſtration of Douglas had thrown the kingdom. Other ſtatutes decree, that if any perſon aſſiſt thoſe who ſhall be brought to juſtice, he ſhall be puniſhed equally with the tranſgreſſors: that the warden of the marches ſee that the truce be ſtrictly obſerved, and appoint ſuch officers as he ſhall anſwer for: that adminiſtrators of law, who wilfully tranſgreſs, ſhall loſe their office for a year, and be fined: that deſpoilers be compelled to make full, and ſpeedy, reſtitution, pay all expences, and a fine to the king: that the juſticiary or juſtice general, the chamberlain, the coroners, and other officers obliged to travel through the country, have but a moderate attendance, that they may not annoy the people: that foreſtallers of corn be puniſhed, and the corn forfeited to the king; and that even the poſſeſſors of grain keep no more than is neceſſary for their annual conſumption, and ſell the remainder in open market at the current price.

Above all, one remarkable act of this parliament deſerves attention, being conceived in the following terms. "It is ordained that if any man, as God forbid, commit or do treaſon againſt

againſt the king's perſon, or his majeſty, or riſe in war againſt 1450
him, or lay hands upon his perſon violently, of whatever age the king be, young, or old; or receive any that have committed treaſon, or that ſupply them with help or advice, or garriſon the houſe of them who are convicted of treaſon, and hold their houſes againſt the king, or garriſon houſes of their own in aſſiſtance of the king's rebels, or that aſſault caſtles, or places where the king's perſon ſhall happen to be, without the conſent of the three eſtates, ſhall be puniſhed as traitors[2]." This ſtatute has occaſioned altercations between the favourers of monarchy, and thoſe who attach ideas of freedom to a parliament of the middle ages, when the only diſpute lay between monarchy and ariſtocracy.

It was further ordained that all the regalities, in the royal poſſeſſion, ſhould be judged by the king's juſticiary; and the freeholders of ſuch regalities ſhould appear in parliament, equally with thoſe of the royal domains[3]. As many large eſtates had fallen to the crown, in the preceding reign, this meaſure ſeems intended to increaſe the king's influence in parliament: and ſuch was the ſpirit of the times that, to increaſe the power of the ſovereign, was to enlarge the freedom and happineſs of the people, labouring under the worſt tyranny, that of a feudal ariſtocracy. Other prudent ſtatutes concern the puniſhment of robbery, the regulation of the coin, and the penalties of contumacy againſt the courſe of juſtice[4]. Such laws ſhine like a coruſcation amid the night of barbariſm; but, it is believed, imparted little of vital heat to the political atmoſphere. It is eaſy to form good laws: the difficulty lies in the execution. The chief felicity of a nation is to have few laws, and to be accuſtomed to obey them.

[2] Acts, f. v. 30, c. 25. [3] Ibid. [4] Ibid. f. 29, 31.

Douglas,

1450 Douglas, diſguſted at the loſs of his power, or wiſhing to diſplay his pomp in foreign countries, paſſed to the jubilee at Rome, with a train of ſix knights, fourteen gentlemen, and eighty attendants[5]. In his abſence many complaints were made againſt the inſolence of his dependents: the earl of Orkney, a nobleman of princely munificence, reſpectable for his talents, and patronage of letters, was ſent to examine the abuſes, and was inſulted: the king, juſtly enraged, proceeded in perſon with a ſufficient force, took the caſtle of Lochmaben, and demoliſhed that of Douglas[6]. Upon his return from Rome Douglas ſent a ſubmiſſive meſſage to the king; and as he could not, in equity, be reputed guilty of events which happened during his abſence, and for which a ſufficient puniſhment had been taken, he was graciouſly received[7].

A com-

[5] Cont. of Bowar, 519. Mair, 322. The number is eſtimated from the ſafe conduct, granted to him on his return by Henry VI, 12 Nov. 1450; Rymer, XI, 277. In the jubilee of 1450 innumerable people crouded to Rome; and ninety-ſeven were killed by the preſs, at the end of the bridge of St. Angelo. De Coucy, 608.

[6] Boyce, lib. XVIII, Lindſay's tranſl. 55, 56. Hume's Houſe of Douglas, I, 336—339. Doubtful, for the caſtle appears in 1454.

In 1456, at the inſtance of William Sinclair earl of Orkney and Caithneſs, chancellor of Scotland, Sir Gilbert Hay tranſlated Bonet's then popular book, L'Arbre des Batailles, as appears from the prologue publiſhed by Dr. Mackenzie in his Lives of Scotiſh Writers. Our heralds, liberal in titles, add to Orkney that of Oldenburg, knight of the golden fleece, &c. not even knowing that Oldenburg was a title of the royal houſe of Denmark, and inalienable. The other additions are as falſe. See the liſts of the knights of the fleece in Guiciardini, deſcr. de Paeſi Baſſei.

[7] Boyce, lib. XVIII, Lindſay's tranſl. 57. Hume's Dougl. I, 339; who erroneouſly adds that he was again appointed lieutenant general of the kingdom, a title no longer to be found in this reign.

Under this year 1450 appear many curious charters, illuſtrative of hiſtory, in Scotſtarvet's Calendars. The queen's endowed lands confirmed in parliament, 22 Jan.

A commiſſion was granted by James to Douglas, and other embaſſadors, to confer with thoſe of England, concerning any breaches of the truce [8]. But the earl certainly did not deſerve this confidence, being engaged in a ſecret plan of revenge againſt his ſovereign; and in the following month he obtained from the Engliſh court a protection for himſelf, his three brothers, twenty-ſix gentlemen, and ſixty-ſeven attendants [9]; the chief perſons, therein mentioned, afterwards following the houſe of Douglas in their revolt. Other plenipotentiaries were nominated, who adjuſted a truce of three years [1]. 1451 April. 14 Aug.

In a parliament, held at Stirling, a long ſeries of regulations was made concerning the coin, in which a laudable attention is ſhewn to its purity, and regular currency [2]. 25 Oct.

Meanwhile Douglas proceeded in his diſorderly, and treaſonable, practices. He attempted, as is ſaid, to aſſaſſinate

22 Jan.—Permiſſion to biſhops to make teſtaments, and diſpoſe of moveables, 24 Jan.—Lands to George Crichton of Cairns, admiral of Scotland, 1 April—Permiſſion to William earl of Douglas to erect Strathaven into a burgh of barony, 23 April—Confirmation of a grant by Campbell of Lochaw, (anceſtor of Argyle,) to the collegiate church of Kilmune in Cowal, 12 May r. 14—Grant to earl Douglas of lands of Culter, forfeited by James Livingſton, &c. 22 May.—To William lord Crichton, chancellor, of the lands of Caſtellaw, Lothian, to recompenſe the ſum of 1800*l.* expended on the king's houſe, and 400*l.* lent to the king, 12 June—Commiſſion to Nicol Ottirburn, and John *Dalrumpill* a merchant, for receiving the queen's portion—Confirmation of the decree that James Douglas of *Heriotmuir* is older than his twin-brother Archibald earl of Moray—Grant of the marriage of Margaret Douglas, daughter of Archibald earl of Douglas to William the then earl, 2 Feb.—Foreſt of Ettrick and Selkirk made a regality in favour of Douglas, 26 Jan.—Confirmation of Galloway to Douglas, above and beneath the water of Cre, blench for a red roſe, 26 Jan.

Such minute particulars would be beneath the notice of hiſtory, were not this reign peculiarly obſcure, and the author anxious to throw all poſſible light upon it.

[8] Rymer, XI, 283. [9] Ibid. XI, 284. [1] Ibid. 287—293.
[2] Acts, f. 32.

Crichton;

1451 Crichton; who eſcaped, and afterwards had nearly ſurprized Douglas, then lodging in Edinburgh with a ſmall train[3]. The lands of John Herries, a gentleman of eminent loyalty, being ravaged by ſome followers of Douglas, he complained to the earl without effect, and in revenge ravaged a part of Annandale: but he was taken, and hanged by the command of Douglas, in contempt of the king's prohibitory mandate[4].

Theſe appear trivial offences, when compared with a grand meaſure now entered into by Douglas, and which threatened deſtruction to the king, and the kingdom. As Douglas was by far the moſt powerful noble of the ſouth of Scotland, or rather a petty ſovereign in that department, ſo Alexander Lindſay earl of Crawford, and John earl of Roſs, lord of the Iſles, held the higheſt authority in the north. The policy, and vengeance, of Douglas conciliated a league with theſe potent nobles, ſtrictly obliging all the parties to mutual defence againſt every injury[5]; and to ſuch a conjunction the laws themſelves were injuries. The monarch trembled at this confederacy, the power of which was in fact ſuperior to the royal authority; but he reſolved to diſſemble for a ſeaſon,

[3] Boyce, lib. XVIII, Lindſay's tranſl. 58, 59. Hume's Dougl. I, 343. Crichton had probably been advanced to the peerage in 1450, for his ſervices in the royal marriage: he died about 1454. Sir Alex. Livingſton ſeems to have died about 1450.

[4] Boyce, lib. XVIII, Lindſay's tranſl. 60, 61. Hume, I, 345, 346, who ſeems rightly to call him Sir William Harris of Terregles. This writer, who compoſed his work about the year 1630, has often original and authentic intelligence.

[5] Ibid. Lindſay adds the earl of Moray, who was the brother of Douglas, and before in the ſtricteſt union with him. Compare Mair, 323, who only mentions Crawford.

In July 1451 Douglas had reſigned moſt of his lands into the king's hands, and procured new charters, "notwithſtanding any crimes of forfeitry," &c. committed by him or his uncle Archibald. Scotſt. Cal.

though

though the nation, in a juſt alarm, already beheld the king 1451
dethroned, and the country paſſing, from ariſtocratic tyranny and diſcord, into a ſubjection to foreign dominion.

An incident however ſoon occurred, which haſtened the 1452
execution of the royal vengeance. Douglas had perſuaded or overawed moſt of his vaſſals, eſpecially thoſe in Galloway, Kyle, Carrick, Cunningham, and the diſtricts adjacent, into an engagement of attendance, and aid, even againſt the ſovereign himſelf. But a few of the more moderate, and prudent, were averſe to ſuch illegal ties; and among theſe was diſtinguiſhed Maclelan, guardian of the heir of Bomby, and a near relation of Sir Patrick Gray, who was ſon of lord Gray, and captain of the king's guard, an office of the greateſt confidence [6]. The earl of Douglas, irritated at Maclelan's obſtinacy in rectitude, ſuddenly beſieged his houſe, took it, conveyed the owner to the caſtle of Douglas [7], and threw him into ſtrict durance. Upon hearing this, Sir Patrick Gray laid the affair before the king, and inſtantly obtained a mild letter, rather of ſupplication than of command, requeſting Douglas to deliver the priſoner to Gray. The earl was ſitting at dinner in the caſtle of Douglas, when he was told that Gray, a familiar ſervant of the king, was at the gate; and, in ſome ſurprize, aroſe to receive him with much apparent civility, and invited him to partake of the repaſt. During the enjoyments of the table, Douglas was revolving what Gray's commiſſion could be; and gueſſing the truth gave a ſecret order,

[6] Among ſome ſlight variations, Lindſay has inſerted this ſtory in his tranſlation of Boyce, p. 61—64, and its *naïf* veracity is far remote from the manner of Boyce. In p. 81—87 is another ſimilar interpolation, afterwards to be uſed. The royal guard now appears for the firſt time, perhaps in imitation of the Scotiſh guards of France eſtabliſhed about 1440.

[7] Yet according to the fabulous Boyce it was demoliſhed in 1450.

1452 in conſequence of which the priſoner was led to a green beſide the caſtle, where his head was ſtruck off, and taken away, and a cloth was ſpread over the body. The meal ended, Gray produced the royal letter, which was received with all the reſpect of fraud; and the earl having peruſed it ſaid, "I am beholden to you for bringing me ſo gracious a letter from the king, eſpecially conſidering how matters ſtand between us at preſent. The demand ſhall inſtantly be granted, and the more favourably for your ſake." He then took Gray by the hand, and led him to the green, where removing the cloth, Douglas coldly ſaid: "Sir Patrick, you are come a little too late. This is your ſiſter's ſon, but he wants the head. Take his body, and do with it what you will." Gray replied in anguiſh, "My lord, ſince you have taken his head, you may diſpoſe of his body:" then calling for his horſes he mounted, and ſaid to the earl, "My lord, if I live, you ſhall be rewarded for your preſent labour, according to your demerits." Douglas, enraged at this threat, called for his horſe; but Sir Patrick by the goodneſs of his led ſteed eſcaped the purſuit, which extended near to Edinburgh.

The king irritated beyond meaſure at ſuch repeated inſults, aggravated by the moſt ſanguinary cruelty, and the moſt profligate contempt of the laws; and anxious to prevent the effects of the formidable league formed againſt his authority, called a choſen council to deliberate upon the meaſures to be followed. It was reſolved, in order to avoid the horrors of civil war, that Douglas ſhould be inveigled into court by flattery, and upon pretence that the king forgave his paſt enormities, and only
22 Jan. deſired him to reform his future conduct[8]. About this time a paſſport was obtained from the Engliſh king, for Douglas,

[8] Boyce, lib. XVIII, Lindſay, 64.

his

his brother James, and lord Hamilton, joined with Crichton, 1452
Montgomery, Gray, three biſhops, and others, to go in pilgrimage to Canterbury [9]. This ſafe conduct was apparently never uſed; and Douglas and his enemies are ſo ſtrangely blended in it, that there is room to ſuſpect that, under the pretext of a pilgrimage of mutual repentance and conciliation, a ſcheme had been formed to aſſail Douglas, when in the defenceleſs garb of a pilgrim.

However this be, the earl was prevailed upon, towards the beginning of lent, which this year happened in the end of February, to viſit the court at the caſtle of Stirling [1]. After ſupper, the king taking him apart into a ſecret chamber, where only ſome of the privy council, and the guard, were in attendance, mildly informed him that he had heard of the league with Crawford, and other nobles; and deſired him to break ſuch illegal engagements. Douglas proudly refuſed, and had the arrogance to upbraid the king with his procedures againſt him, which had forced him, as he aſſerted, to form this confederacy. The ſenſe of repeated inſults, and of an outrageous contempt of his authority, conſpired with the preſent perſonal affront, to kindle a flame of inſtantaneous fury; and the monarch exclaiming, "If you will not break this league, by God I ſhall," drew his dagger, and ſtabbed Douglas. Sir Patrick Gray then ſtruck the earl with a battle ax, and the wound was inſtantly mortal [2].

[9] Rymer, XI, 303.

[1] Lindſay, p. 64, ſays that, according to the report of ſome, Douglas obtained a ſafe conduct from James under the great ſeal. Hume I, 351, aſſerts this as fact: and p. 361 he mentions that this ſafe conduct was contumelioufly dragged at a horſe's tail, after the aſſaſſination. That author's prejudices may be doubted: yet Leſley and Buchanan confirm the ſafe conduct.

[2] Mair, 323. Boyce, lib. XVIII, Lindſay's tranſl. 64—66. Hume's Dougl. I, 352, 355.

1452 It is ſaid that the four brothers of Douglas, Sir James the eldeſt, who had abandoned his clerical character, and now became earl of Douglas, Archibald earl of Moray, Hugh earl of Ormond, and John lord Balveny, in the firſt eruption of revenge, proclaimed the king a deſpiſer of his covenants and of good faith, even at the gates of the caſtle of Stirling. Then collecting their force, and returning, they burned the town [3]. Two of their own name were extremely obnoxious, becauſe they were loyal, the earl of Angus, and Sir John Douglas of Dalkeith: the caſtle of the latter they beſieged in vain. After Douglas, and his family, and followers, had excited great commotions in the ſouth of Scotland, James partly by exertion, and partly by lenity, prevailed on them to return to their duty [4].

This happy effect was produced, in a conſiderable degree, by the diſcomfiture of Crawford, the aſſociate of the Douglaſes; who riſing in arms, was defeated by the royal troops com-
18 May manded by Huntley. The action happened near Brechin; and was accompanied with great ſlaughter on the part of the vanquiſhed [5].

The civil conflicts being in ſome meaſure appeaſed, a parlia-
26 Aug. ment was held at Edinburgh, which iſſued regulations tending to prevent a ſcarcity of grain, in conſequence of the internal commotions [6].

Douglas,

[3] Mair 323 imputes this act to lord Hamilton. Compare Hume I, 362.

[4] Boyce, lib. XVIII, Lindſay's tranſl. 67 ſeq. Hume I, 364 ſeq.

[5] This battle is by Boyce and Lindſay aſſigned to 1453; but the Harleian MS. 2363, written by a monk of Kinloſs, dates it on aſcenſion day 1452. Leſley agrees, p. 304, and Ferrerius Hiſt. Fam. Gordon, MS. Harl. 1423, f. v. 148, who gives a long account of this engagement. He wrote in 1545: ib. 145.

[6] Acts, f. v. 33. Amid the ſcarcity, and imperfection, of materials it may not be improper to commemorate the following charters of 1452, from Scotſtarvet's

Douglas, at length reconciled to the king, entered into a 1452
ſolemn engagement, 1. Not to pretend any title to the earl- 28 Aug.
dom of Wigton, except with the queen's conſent: 2. Nor to the lands of Stewarton, a part of the patrimony of the ducheſs of Touraine, his mother: 3. To abandon in future all hatred, or enmity, againſt all perſons: 4. To preſerve the public peace, and make compenſations to perſons already injured: 5. To obſerve the ſtricteſt duty and reſpect to the king. This inſtrument was ſigned by Douglas, and lord Hamilton, for themſelves and their adherents [7].

The public tranquility being completely reſtored, the earl 1453
of Douglas, the abbot of Melros, and Robert Liddel of Bali-
mire, proceeded on an embaſſy to England, to prolong the April
truce, which would otherwiſe have expired in 1454. It was
accordingly protracted to May 1457: and was duly ratified by July
James [8]. During his reſidence in London Douglas obtained ſafe conducts for himſelf, and lord Hamilton, to paſs to Rome [9], probably with a view to ſolicit diſpenſations for his marriage with Margaret, the fair maid of Galloway, the

vet's Calendars. The lands of Guddie were granted to Robert Norie for bringing the tidings of the birth of prince James, 1 June. The lands and caſtle of Tantallon to George earl of Angus, warden of the weſtern marches, 30 June. The earldom of Garioch to the queen, 26 Aug. A charter by James earl of Douglas was confirmed, 27 Aug.

[7] Ruddiman, notes to Buchanan 441, 442, from a copy in the Advocates Library. Hamilton is called brother of Douglas, becauſe he had wedded Euphemia widow of Archibald earl of Douglas, who died in 1439.

[8] Rymer, XI, 324, 336, 339.

[9] Ibid. 326, 327. The three brothers of Douglas, lord Livingſton, the biſhop of Glaſgow, &c. &c. are included in the ſafe conducts. See ib. 333, a ſafe conduct to ſome burgeſſes of Edinburgh, and Stirling, for the ſame pilgrimage. The intentions may have been innocent; and the journey of Douglas in 1450 ſeems to have rendered theſe holy expeditions faſhionable in Scotland at this period.

widow

1453 widow of William late earl of Douglas, his brother. In this deſign he was oppoſed by the influence of James; nor is there evidence that he ever completed the marriage.

This interval of domeſtic quiet was diſtinguiſhed by the foundation of the univerſity of Glaſgow, by the pious cares of William Turnbull biſhop of that ſee. It was endued with ample privileges; and a bull of Nicholas V confirmed the erection. The reſpectable founder ſoon after died at Rome, whither he retired from the ſubſequent commotions in his country [1].

Iſabel ducheſs of Bretagne, ſiſter of James, being now a widow, was requeſted in marriage by the prince of Navarre; but the propoſal being diſagreeable to the French court, the biſhop of Galloway, and David Lindſay eſquire, were ſent embaſſadors to Bretagne, in order to fruſtrate the prince's application, in which they ſucceeded [2].

[1] Keith, Biſhops, 149. On the 10th Dec. 1472, appears a charter, confirming the liberties of the college of Glaſgow, granted in 1453. Scotſt. Cal.

[2] Lobineau, Hiſt. de Bretagne I, 654. She perſiſted in widowhood; and in 1459 there were three ducheſſes dowager of Bretagne. Iſabel had only daughters, one of whom wedded the duke de Rohan: and ſhe lived till 1494, after ſurviving many dukes and ducheſſes of Bretagne. Lob. paſſim.

On the 1ſt May 1450 James granted a charter to Sir William Monipeny, for ſervices to the dauphineſs, the ducheſs of *Vien*, of Bretagne, and of Auſtria, and his other ſiſters, of the lands of Hallis of Airth, to be thereafter called the lands of Monipeny, blanch for a red roſe. Scotſt. Cal. where ſee alſo 7 Oct. 1451. A deſcendant Alexander Monipeny bought Concorſault in France from Stuart of Aubigny: his brother William Monipeny, abbot of St. Satur, was choſen archbiſhop of Bourges in 1512. Thaumaſſiere Hiſt. de Berry, 396.

Scotſtarvet's Calendars are now unhappily defective for four years, from 1453 to 1457.

In 1447 the queen of France, on a pilgrimage to St. Michael, was accompanied by Eleanor of Scotland, ſiſter of the ducheſs of Bretagne. Lob. ſub anno. See here, under the year 1457, further intelligence concerning the princeſſes.

The

The deepeſt obſcurity impends even over the latter part of the reign of James II, and it is almoſt impoſſible to enlighten the events with the clear colours of chronology. Amid this uncertainty, the moſt probable plan of arrangement ſhall be followed, and committed to the candour of the reader. 1454

The death of Crichton, the chancellor, who had long moderated public affairs, ſeems to have opened the way to the ſucceeding tumults [3]. Meanwhile the Engliſh government complaining of depredations on the frontiers, the biſhop of Brechin, and the earl of Orkney chancellor, were appointed embaſſadors to adjuſt the grievances [4]: and ſoon after a ſafe conduct appears to Beatrix, counteſs of Douglas, widow of James the Groſs, and Margaret widow of William, with John Douglas lord of Balveny, on pretence of a pilgrimage to England, but probably to form treaſonable connections between their family and that country [5]. The conteſts between the houſes of York and Lancaſter had now commenced; and the duke of York being, at this period, poſſeſſed of the ſupreme power, he favoured the houſe of Douglas, in oppoſition to James, who, in conjunction with France, ſupported the intereſts of Henry. June 16 June

Crawford, who had joined in the bond which proved fatal to the late earl of Douglas, had been puniſhed with forfeiture, but was pardoned on ſubmiſſion [6]. Yet Moray and Ormond,

[3] Crawford, Off. 30, dates his death 1455, and is followed by Douglas. Yet Crawford, 34, ſays Orkney was made chancellor on the death of Crichton; and the former now appears in that capacity. See in Abercr. II, 430, the fabulous titles of Orkney. So in 1764, Douglas, Peerage 185, ſtyles William of Nithſdale *prince of Danſkin*, (Dantzic;) *and lord of Spruce*, (Pruſſia)! Theſe gentlemen ſeem ignorant that foreign countries have hiſtorians.

[4] Rymer, XI, 349. [5] Ibid.

[6] Boyce, lib. XVIII, puts a fabulous oration into the mouth of Crawford, which Lindſay, 73—78, enlarges with family affection.

the

1454 the brothers of Douglas, again excited a rebellion in the north, and ravaged the lands of Huntley and other loyal perſons. Huntley aſſembling his followers gave half of Elgin to the flames, becauſe that part of the town ſupported Moray: and, though defeated at Dunkinty, he raiſed freſh troops, and forced the Douglaſes, Moray and Ormond, to leave the north of Scotland, and take ſhelter in the Hebudes, whence they autumn proceeded to join their brother in his grand rebellion [7].

To underſtand this rebellion aright, it ſeems neceſſary to throw a brief glance on the affairs of England. In the end of the preceding year Henry VI, a prince whoſe weakneſs rendered his whole reign one minority, had fallen into a ſtate of inſanity; and Richard duke of York had been ſoon after declared protector of the realm. As James was ever firmly attached to Henry, and evinced on ſubſequent occaſions an eagerneſs to ſupport his intereſts, there is reaſon to infer that York excited, or favoured, the rebellion of Douglas, in order to prevent James from an interference in the affairs of England. Nor in caſe of the ſucceſs of Douglas, in driving James from his throne, would the example have been unuſeful to the deſigns of York; nor the ſupreme power of Douglas in Scotland unimportant to his purpoſes. The intercourſe between York and Douglas appears to have been mediated by Beatrix, the mother of the latter, and John lord Balveny his brother, who as is abovementioned had proceeded to England; and who were afterwards ſpecially included in the forfeiture of the family, for deſigns on the Scotiſh monarchy ſupported by Engliſh influence.

When to the aid of York are added the internal cauſes, the native ambition of the houſe of Douglas, unſatiated even by

[7] Compare Boyce lib. XVIII, Lindſay's tranſlation 69, with Hume's Douglaſes I, 366. But the events of 1452 are intermixed.

the

the higheſt honours of regal favour; its latent but deep enmity, excited by the deſtruction of two of its chiefs, during the preſent reign, and by other injuries and mortifications; its conſciouſneſs that no monarch could ever ſincerely pardon a family, which formed one nurſery of rebellion, which deſpiſed the laws, and rivalled the throne; its apprehenſions, from the recent ruin of its power in the north, that if effectual reſiſtance were not inſtantly oppoſed, the annihilation of the ſtem and other branches might follow; when theſe conſiderations are weighed, the ſources of this grand rebellion may not perhaps appear obſcure. The inflammatory principles had long exiſted, and were deeply and widely ſcattered: the power of York, the money and protection of England, the overthrow of Moray and Ormond, and the conſequent ſtings of apprehenſion and revenge, were only temporary circumſtances, which ſet fire to the train that ſhook Scotland to its centre. 1454

Such appear to have been the cauſes of this grand rebellion, which threatened to overturn the Scotiſh throne, and which our elder writers ignorantly conſider as a prolongation of that which aroſe in 1452, on the aſſaſſination of William earl of Douglas; but which as is evident from original documents above adduced, was wholly extinguiſhed in that year. Later writers have either followed their example, in confounding diſtinct events; or have, under the general term of England, blended the remote, and oppoſite, intereſts of York and of Henry. They alſo tell us that, ſoon after the death of the former earl, Beatrix his mother, and Margaret the fair maid of Galloway his widow, took refuge in England: that Douglas accepted the embaſſy, in the view of ſecuring the hand of Margaret, whoſe domains were large; and, in order to obtain a diſpenſation, he afterwards procured a ſafe conduct for a

1454 pretended pilgrimage to Rome[8]. That a diſpenſation being refuſed, he nevertheleſs wedded Margaret, who in diſguſt fled to the Scotiſh king; and he beſtowing her in marriage on his uterine brother Athole, the conſequence was a civil war. But there is no evidence that James now earl of Douglas wedded his brother's widow: or that ſhe returned to Scotland before the ruin of the family. The ſame writers, who ſtate this affair as the origin of the war, alſo aſſert that Douglas and his brothers were, in July this year, ſummoned before a parliament, to anſwer for their crimes; and upon nonappearance, were declared rebels and forfeited. This latter circumſtance would of itſelf preſent a ſufficient cauſe of the commotion: but the difficulty in the account of theſe authors conſiſts in diſcovering what new crimes the houſe of Douglas had committed; and the act of forfeiture, 1455, is infallibly the firſt and ſole act againſt the family, as is clear from the records.

The facts and authorities, about to be adduced, will be found unanimous in the ſupport of the previous obſervations above given. Nor is there any evidence that James had planned the ruin of the potent family of Douglas, as theoretic writers would infer; for he was unprepared, and trembled at the impending danger. The inſtrument of Auguſt 1452, the honourable embaſſy of the following year, indicate complete reconciliation; and though embers of jealouſy might at this ſeaſon be revived, by the ruin of Moray and Ormond, and by the king's interference in fruſtrating the earl's deſign to wed his brother's widow, yet the ambition of Douglas, joined with

[8] The ſafe conduct is for four years; and might be intended as a reſource in caſe the rebellion failed; and whether Henry or York ſhould happen to be in power.

the

the other cauſes above mentioned, will to a candid mind ap- 1454
pear the chief ſprings of this memorable conteſt.

Unfortunately there is not, for its commencement in the autumn of this year, that clear evidence which attends its termination in the next. The firſt events reſt upon doubtful and inaccurate authorities, the uſe of which neceſſity alone can vindicate; and all that can be done is to ſelect the moſt important, and probable, circumſtances, omitting ſuch as are contradicted by the genuine records of the enſuing year.

It appears that James, diſcovering the treaſonable correſpondence carried on by Douglas in England, and ſuſpecting his deſigns, ſent an herald to ſummon him to appear before the privy council, or perhaps the parliament. Far from ſhewing obedience that potent earl ſent ſecret meſſengers to affix, in the night, placards upon the church-doors of Edinburgh, charging the king with the murder of the two chiefs of the houſe of Douglas, and replete with inſulting expreſſions [9].

Inſtantly aſſembling a ſmall array, James ravaged ſome lands belonging to Douglas. It being the time of harveſt, the king not only felt repugnance in deſtroying the corn, but could not, except in the moſt urgent neceſſity, harraſs his ſubjects by aſſembling a large force: he therefore returned; and, diſmiſſing a part of his followers, he ordered the remainder to beſiege Abercorn, a ſtrong caſtle belonging to Douglas, and which, from its proximity to the capital, was an object of peculiar jealouſy [1].

Yet the ſuddenneſs of the attack on his domains had ſo much alarmed Douglas, who little expected ſuch promptitude, that he withdrew to the borders; whence he ſent lord Hamil-

[9] Boyce lib. XVIII, Lindſay's tranſl. 70. [1] Ibid.

1454 ton into England to requeſt York's aſſiſtance; and a ſum of money was immediately remitted [2].

The circumſtances of Douglas were now reduced to that criſis, that the only choice lay between a bold exertion of his whole ſtrength, in the ardent execution of great and extreme meaſures, or a patient ſubmiſſion to total ruin. Reinforced by the pecuniary ſupply from England, by the imagined fidelity of vaſſals long oppreſſed, by the martial influence of that name, which a ſucceſſion of heroes had rendered the trumpet of war, he reſolved to oppoſe his power in the open field to that of the king. The armed force, that would ariſe at the call of Douglas, was eſtimated at forty thouſand men; moſt of them from their ſituation near the borders, and conſtant exerciſe in fight, far ſuperior to any other troops of Scotland.

James had ſent the earls of Orkney and Angus, with ſix thouſand men, to beſiege the caſtle of Abercorn, when Douglas ſummoned all his force to meet him at Douglas, on the tenth day, with proviſion for twenty days, to paſs with him to Abercorn, there to reſcue the fortreſs; or give the king battle, and force him to fight, or to leave the kingdom. Surprized at this intelligence, the king juſtly diſtruſting the ſouth of Scotland, the chief ſeat of the power of Douglas, paſſed in a ſhip to St. Andrews; and his deſpair even ſuggeſted to him an intention to abandon Scotland. But the prudent and reſpectable biſhop of that ſee, James Kennedy, a ſon of the counteſs of Angus daughter of Robert III, inſinuated motives of conſolation, and of courage. By his advice the king iſſued proclamations, ſummoning the array of the north, and offering amneſty to all who ſhould now join his ſervice: and in a few days a conſiderable force arrived; the royal banner was raiſed

[2] Boyce, lib. XVIII, Lindſay 81. After this the incidents of 1454 are better authenticated by the ſecond, and laſt, large interpolation of Lindſay 81—87.

in

in St. Andrews; and the army marched to Falkland in order of battle. Entering Stirling, attended by the barons of Fife, Strathern, and Angus, James remained there, till the more northern troops ſhould approach; and, upon their junction, he found himſelf at the head of forty thouſand men. He then advanced againſt Douglas, whoſe army, amounting to near forty thouſand, (among whom Hamilton, at the head of three hundred horſe, and as many choſen infantry, was to render himſelf remarkable,) had encamped on the ſouth ſide of the Carron, in his march towards Abercorn. 1454

A battle was believed inevitable, which was to decide whether James, or Douglas, ſhould have the dominion of Scotland. But biſhop Kennedy, anxious to prevent the effuſion of blood, had attended the royal army, and now ſent a ſecret meſſage to Hamilton, his nephew, aſſuring him, in the king's name, not only of remiſſion, but of high reward, if he would leave Douglas. Hamilton returned rather a favourable anſwer, yet heſitated between the laws of friendſhip, and the advantages of loyalty, when the haughtineſs of Douglas conſpired to induce him to embrace the latter. A herald, arriving from the king, charged the rebels to diſperſe, under pain of treaſon: Douglas ſent him back with deriſion; and immediately arrayed his hoſt and marched towards the royal army; but ſeeing its ſtrength, and doubting the effect of the proclamation of amneſty, nay thinking that he perceived its influence in the dubious ſervice, and fallen ſpirit of his people, he conducted them back into their camp, hoping to reanimate their fidelity and courage, before he led them to battle in the morning. This imprudent procedure was little approved by the barons, and leaders, eſpecially by Hamilton, who immediately went to the earl, and inquired if he intended to give the king battle, or not; affirming at the ſame time that the delay was full

1454 full of danger, as his people were deſerting while the royal army was upon the increaſe. Douglas anſwered, with contempt, "If you are tired, you may depart when you pleaſe;" and Hamilton, that night, paſſed to the king. The other chiefs alarmed at his departure, and ſuſpecting each other, alſo diſbanded; ſo that in the morning Douglas trembled when he beheld a ſilent and deſert camp, not one hundred men remaining, beſides thoſe who belonged to his houſehold, or were his immediate ſervants. Upon this unexpected change, the earl fled to Annandale, where he lurked with his brothers till the enſuing ſpring. In this ſurprizing manner fell for ever the enormous power of the houſe of Douglas; which had ariſen from patriotic heroiſm; and was conducted to perdition by ariſtocratic tyranny, and the moſt ungrateful rebellion.

1455 The events of the ſubſequent year are happily illuſtrated by original evidence, and particularly by a letter from James to Charles VII king of France, reciting at ſome length the termination of the rebellion of Douglas [3].

Having ſent Thomas Spence biſhop of Galloway, John lord Lindſay of the Byres, and Dr. Arons archdeacon of Glaſgow, as embaſſadors to France, in order to ſtate the progreſs and decline of the rebellion, James, as ſoon as the ſeaſon permitted the tedious operations of a ſiege, recommenced that of the caſtle of Abercorn, which had been raiſed on the approach of winter. The army of James pitched their tents around this ab. 8 Ap. fortreſs in Eaſter week; and ſo imperfect was the art of attack that the ſiege occupied a month [4].

[3] This important letter is publiſhed by D'Achery in his Spicilegium, Vol. III, p. 801, of the new edition by De la Barre, Paris 1723, folio. The editor erroneouſly dates it 1456; but the chain of events, the attempt on Berwick, &c. evince 1455 to be the real year. See the original in the Appendix.

[4] Letter of James.

While

While the monarch's arms were thus employed, Douglas, 1455
who had hitherto lurked in the borders, fled into England, attended only by four or five perſons. But his brothers, Moray, Ormond, and Balveny, remaining in Euſdale with ſome followers, they harraſſed the adjacent country, till they were encountered by the Scotts, and other borderers, who completely 1 May
routed the marauders. Moray falling in the action, his head was cut off, and ſent to James, then before Abercorn. Ormond was made priſoner, condemned, and executed. Balveny eſcaped into England [5]. This remarkable route, ſo fatal to the family of Douglas, happened at Arkinholm, on the river Eſk, a little to the ſouth of the junction of the Eus with that ſtream [6].

At length the towers of the caſtle of Abercorn being ſhaken by the repeated force of machines, an aſſault was ordered, the fortreſs was taken by ſtorm, and levelled with the ground; the ab. 8 May
chief defenders being hanged, and the others diſmiſſed. James then proceeded againſt the caſtles of Strathaven, Douglas, and others belonging to the rebels, all which he took, and deſtroyed even to the foundations. He then ordered a detachment to beſiege that of Creif in Galloway [7]; and his power being now firmly

[5] Letter of James.

[6] Our fabulous writers place the conflict at Ancrum-muir. Repeated charters of James to Scott of Kirkurd, the Batiſons, &c. for ſervice on this occaſion, ſpecially mention it to have happened at Arkinholm. See Scotſt. Cal. 20 Oct. 1458, and 22 Feb. 1459. Hay in his Vindication of El. More has publiſhed two of them, p. 69, 70. Branxholm was afterwards granted to Scott for the ſame cauſe, 7 Oct. 1463. Scotſt. Cal. The origin of the power of the houſe of Buccleugh.

Arkinholm, or Erkinhom, is on the river Eſk, oppoſite Wachop-kirk: on the oppoſite ſide of the *Eus* ſtands Langholm caſtle. See Pont's Map of Euſdale and Eſkdale. The battle of Ancrum was in 1544. Leſl. 477.

[7] Letter of James. *Creſe* is corrupted into *Treſe*, the *C* and *T*, *f* and *s*, being ſimilar in MSS. That Creif is meant appears from the Acts of 1455.

James

1455 firmly eſtabliſhed, he returned to the capital to meet a parliament which had been there ſummoned.

9 June In this national council the forfeiture of Douglas, his mother Beatrix, his brothers Moray and Balveny, was ſolemnly decreed. Moray had fallen in a rebellious conflict; but his forfeiture remained to be pronounced by the law: while that of Ormond is unmentioned, as having been already ſealed by his public execution for treaſon [8].

Henry VI having in the mean time ſomewhat convaleſced, James had in May deſtined a ſolemn embaſſy to England [9]. But the battle of St. Albans having reſtored the power to York, the Scotiſh monarch manifeſted his enmity by an at-

July tempt on Berwick. Some of the adjacent borderers had given information that the place might eaſily be taken by ſurprize: but an Engliſhman, who had been admitted into Scotland by

James omits the parliament and forfeiture; and only adds that the rebellion was completely extinct.

[8] Acts, f. 34, 36. See this moſt curious and important forfeiture in the Appendix. The ſummons againſt Douglas had been executed at Douglas, Strathaven, and Lanark, on the 24th April: the charges are, the fortifying of the caſtles of Creif, Douglas, Strathaven, and Abercorn; connections with England; riſing in open war with a multitude of armed men near Lanark; ravaging the lands of lord Abernethy, the juſticiary; burning Dalkeith, &c. Beatrix is condemned as an accomplice in burning Kincavil, Bonytoun, and Warniſtoun, in the Engliſh leagues, &c. Moray's lands and effects are *eſcheated*, and *to remain* in the king's hands, nor is the ſummons mentioned; all proofs that he was ſlain before the forfeiture, which proceeds on his fortifying Lochindore, and Tarnaway, and aiding his brother. Balveny follows as an accomplice of Douglas: and the act is atteſted by the ſeals of Athole, Angus, Menteith, Errol, Lorn, Erſkine, Campbell, Graham, Somerville, Montgomery, Maxwell, Leſley, Glamis, Hamilton, Gray, Boyd, Borthwick, and five biſhops. The date is 10th June; yet the 12th is twice mentioned.

[9] Rymer, XI, 349: a ſafe conduct 20th May to Kennedy biſhop of St. Andrews, Livingſton the chamberlain, &c. with 100 attendants. The battle of St. Albans was on the 22d May.

ſafe

ſafe conduct, and bound by oath not to retire without the royal permiſſion, preferring his country to his conſcience, found means to eſcape, and give the alarm. So that when James advanced with a numerous army, he found the Engliſh prepared to defend Berwick by ſea and land, and was conſtrained to abandon the enterprize [1]. He ſent Rothſay herald to France with a letter relating this and the other events of the year; while Henry, or rather the Engliſh government, remitted letters of acknowledgment to Northumberland the warden of the marches, and others, for the defence of Berwick: and the Engliſh parliament granted ſupplies to guard it againſt the Scots, who are accuſed of beſieging it during a truce [2]. 1455 8 July 9 July

Douglas was received with favour by the ruling party in England, and a penſion was granted to him for ſervices to be done, till he could recover his eſtates, ſeized, as the record expreſſes, by the perſon who calls himſelf king of Scotland [3]. When ſuch is the language of a period depreſſed by civil war, we no longer wonder at the *truces* between England and Scotland, and that no ſolid pacification could exiſt: the ſubjection of Scotland was ever the chief object of the Engliſh kings, and a contemporary writer of that nation heſitates not to prefer its importance to that of France [4]; the Scotiſh court well knew that this obſtinately weak and ambitious pretenſion might ſeem to ſleep, but was always alive.

[1] Letter of James.

[2] The letters of Henry are preſerved in Rymer's unprinted papers, N° 4611, art. 114, 115: and are dated 9th July, regni 33. The intelligence was ſent to London on the 3d July: the attempt of James was probably on the 1ſt or 2d. As a recompence Henry excuſed Northumberland from his attendance on parliament. The ſupplies appear in the Parliamentary Hiſtory, II, 278: this parliament met at Weſtminſter 9th July, 1455. Ib.

[3] Rymer, XI, 367. [4] Harding, f. v. 234.

1455 4 Aug. The tranſactions of parliament are intereſting and important [5]. The firſt ſtatute concerns the annexation of lands to the royal domains, and mentions that the poverty of the crown often cauſes that of the realm; for which reaſon, and others not expreſſed, it is ordained that, in every part of the kingdom, there be certain lordſhips, and caſtles, perpetually annexed to the royal property, and never to be alienated except by the advice of parliament; that any other alienation ſhall be void, and reſumeable by the ſovereign at pleaſure, with all the profits which have reſulted; and that the king and his ſucceſſors be ſworn to obſerve this ſtatute. This laſt clauſe ſeems to indicate that the legiſlative power poſſeſſed a title to direct the executive: but it is ſuſpected that neither the king, nor the parliament, then knew the nature of abſolute power, or of liberty. The ordinance proceeds to declare that the whole cuſtoms of the kingdom, as they ſtood at the death of James I, ſhall be veſted in the preſent monarch; and to ſpecify the lands annexed to the crown, among which we find Ettrick foreſt, and Galloway, which belonged to the family of Douglas, but no other lands of that houſe ſeem to be mentioned; a circumſtance unaccounted for by our careleſs writers, and which probably aroſe from the other extenſive domains of Douglas being ſhared among the nobles, and others, who aſſiſted in ſuppreſſing the revolt [6]. The other chief territories, recorded as belonging to the crown, are the caſtle of Edin-

[5] Acts, f. 34. In f. 35 appears a ſtatute prohibiting, on pain of treaſon, any intercourſe with Douglas, his mother, or brother (John lord Balveny.)

[6] On the 3d July 1455 was a grant to lord Hamilton of the ſheriffdom of Lanark, forfeited by Douglas. See Dougl. Peer. 329. On the 23d Oct. appears a charter to the ſame, and Euphemia counteſs (dowager) of Douglas and lady Bothwell, his ſpouſe; confirmed 1481. Scotſt. Cal. Several new peerages were erected on the fall of the family of Douglas. See Carmichael's Tracts, &c.

burgh,

burgh, with ſome lands in Lothian; that of Stirling, with 1455
its dependent grounds; that of Dunbarton, with ſome ſmall eſtates; the earldom of Fife, with the palace of Falkland; the earldom of Strathern; the lordſhip of Brechin; the caſtle of Inverneſs, and the lordſhips of Urquhart, and Abernethy, with other northern domains; the Redcaſtle in the ſouth eaſt of Roſshire, with the appended lordſhip of Roſs, a minute limb of that great earldom, probably retained by James I, when he pardoned the earl of Roſs, the lord of the Iſles, as a key to that diſtant, and dubious, province.

This parliament further ordered that the office of warden of the marches ſhould not be hereditary: that all regalities in the king's hands be annexed to the royalty, and that no regalities be granted in future without the ſanction of the ſtates: that no office be hereditary, and that all offices granted ſince the death of James I, be revoked except the wardenſhip of the marches beſtowed on the infant Alexander, earl of March, and lord of Annandale, ſecond ſon of the king, and afterwards duke of Albany. It is alſo decreed that, in the boroughs, a council of eight or twelve perſons, according to the extent of the town, be eſtabliſhed, to decide petty ſuits: and that the members of parliament wear particular habits, which are minutely deſcribed[7].

The national council having again met, on the thirteenth of October, took into conſideration the report of an intended Engliſh invaſion; and gave directions concerning the arrangement of beacons and other neceſſary preparations. They then ordered that perſons ſuſpected of treaſon ſhould be impriſoned: that none ſhould paſs into England in time of war, without permiſſion, under pain of treaſon: and ſeveral other regulations

[7] Acts, f. 35, 36. Annandale had belonged to Douglas.

1455 appear, all relating to hoſtilities, but not of ſuch importance as to merit eſpecial conſideration. To the apprehenſion of war was added a more immediate calamity, that of the peſtilence, which extended its ravages through the kingdom, and perhaps preſerved it from any invaſion at this infectious period[7].

1456 If credit be given to the late, and doubtful, accounts of this reign two invaſions of Scotland took place this year. The firſt was conducted by John lord of the Iſles, who is ſaid to have committed ſeveral ravages, and even to have burnt Inverneſs: he then retired, and was ſome time after pardoned on ſubmiſſion[9]. This ſeems fabulous; and perhaps the ſame character may be aſſigned to the more probable account that Douglas, and the earl of Northumberland, ravaging the borders, were defeated by Angus, with ſmall loſs on either ſide[1].

From ſuperior authority it appears that James, enraged at the conduct of the Engliſh court in the ſupply and reception of Douglas, entered the north of England, with a large army; but was met at the river Cayle, by two Engliſh embaſſadors, by whoſe arts he was ſo far deceived, as to return, and diſmiſs his forces. The fraud being ſoon diſcovered, the Scotiſh monarch, in twenty days, raiſed a more formidable army than the former, ravaged Northumberland with fire and ſword; levelled many caſtles with the ground; and returned with ſome ſhew of military fame[2].

Meanwhile

[7] Ibid. f. 36, 37.

[9] Boyce, lib. XVIII, Lindſay's tranſl. 88. When Boyce is at a loſs for incidents he has always recourſe from the earlieſt periods to the laſt, to a Donald of the iſles. The lord at this time was John. Sutherland caſe, ch. v. p. 28. Douglas' Peerage, 361.

[1] Boyce, lib. XVIII, Lindſay's tranſl. 91.

[2] Contin. of Bowar, 520. Mair, 325. Boyce, ever fabulous, ſuppoſes that James was fighting on York's ſide, Lindſay, 99. The embaſſadors probably appeared in Henry's name, and repreſented him as in power; but James was afterwards

Meanwhile Douglas was admitted to the titles of an Engliſh 1456
ſubject[3], and continued in that allegiance to the following monarchs Edward IV, and Richard III, but in him the family, and the treaſon, were to become extinct. His ſiſter-in-law, Margaret, afterwards returned into Scotland; where the king, commiſerating her rank, her beauty, her tears, aſſigned to her the lordſhip of Balveny, and wedded her to his uterine brother the earl of Athole[4].

A parliament was held at Edinburgh, which publiſhed a few 19 Oct.
ordinances regulating the manner of national defence againſt England, the power of the duke of York the enemy of James, and the invaſion of that country, leading the Scots to expect repriſals. Certain rules were eſtabliſhed, concerning thoſe infected with the peſtilence, which ſtill deſolated the kingdom, being, it is believed, the fifth great viſitation of that horrid contagion. The value of coin, foreign and domeſtic, was conſiderably raiſed, ſo that the Scotiſh money became to the Engliſh as one to three: and ſome abuſes committed by the king's officers, in exacting the cuſtoms at fairs, were repreſſed. The moſt important act, which was however altered in the next parliament, concerns the holding of the ſeſſions, or high court of juſtice, which was ordered to ſit for three months at a

afterwards undeceived. Leſley, 308, is more authentic. The river *Cayle* ſeems *Keil* in Roxburghſhire.

Rymer, XI, 383, gives a letter from York, in Henry's name, in anſwer to the defiance of James, ſent by Lion-king at arms. York treats James as an uſurper, claims homage, charges him with depredations, and returns defiance. This letter is dated 26th July 1456, and probably inſtigated the invaſion by James.

[3] Rymer, XI, 381.

[4] Stewart's Genealogy, 171. But Sir John Stuart was not created earl of Athole till 1457; and Balveny was only granted to him in May 1460. Douglas' Peer. 49. The marriage probably did not take place till 1459. The confuſion of chronology ſprings from the grand fountain of hiſtorical error, Hector Boyce.

time;

1456 time; and was to conſiſt of three eminent clergy, three barons, and three commiſſioners of the burghs, to be changed each month; and who were to be ſworn, in the royal preſence, impartially to adminiſter the laws. The inſtructions ſent to France were voted ſufficient, but their purport is unknown[5].

1457 June A truce with England, where York was no longer in authority, was negociated, and at length concluded at Coventry to laſt till the ſixth day of July 1459[6]. The territory immediately appertaining to the earldom of Douglas, with Douglasdale, and the appendant domains, was now granted to the earl of Angus, in which family, a branch of the former, it was to remain[7]. This meaſure was imprudent, as it raiſed the houſe of Angus to a power little inferior to that of the preceding lineage of Douglas, and which was afterwards too deeply felt in the kingdom: but individuals learn from experience, while nations, and ſucceſſive kings, ſeldom draw wiſdom from former faults. That our monarchs were ſtrangers to the fixt plan of humbling the ariſtocracy, imputed to them by theoretic writers, is ſufficiently clear[8].

[5] Acts, f. v. 37—39.

[6] Rymer, XI, 389. York had remained in power till February this year. To counteract him, Margaret propoſed to the court of France that the two daughters of James I, who went thither when the dauphineſs died, ſhould be married to the two ſons of the late duke of Somerſet her partizan. At the ſame time Margaret prevailed on the French king to aſſiſt Scotland againſt the duke of York: and Loheac and Brezé invaded the ſouth of England, and ravaged *Port* (Portſmouth?) De Coucy 709. Carte, II, 750.

[7] Hume's Dougl. II, 18, 19. The earldom of Angus paſſed to the houſe of Douglas, by marriage, about 1381. From George, ſecond ſon of William firſt earl of Douglas, the houſe of Angus lineally deſcended; and the preſent earl George was the fifth of that illuſtrious branch. Hume II, 6—11.

[8] No ſooner had Angus ſucceeded to the power of Douglas, than the followers of the latter houſe joined the former. See the bond of lord Hamilton in Hume II, 19. It is dated 13th May 1457.

About

About this time a negotiation was proceeding at Paris, concerning the claim of Denmark to an annual ſum, for the ceſſion of the Hebudes about two centuries before [9]. This affair, unimportant in itſelf, led to the re-union of the Orkneys to the Scotiſh crown in the ſucceeding reign. 1457

The national council, being ſummoned to Edinburgh, diſtinguiſhed itſelf by enacting a great number of prudent laws. The ordinance of the year 1456, concerning the ſupreme court of judicature, was reviſed; and it was decreed that the ſeſſions were only to continue for forty days at a time, but ſhould be held three times in the year, at three different cities, Edinburgh, Perth, and Aberdeen; that is once a year at each place, in ſucceſſive periods. This court conſiſted, as has above appeared, of committees of parliament; and, from a ſpecification in the act, it ſeems that the Scotiſh parliament did not now exceed one hundred and ninety members [1]. The rotation of theſe committees of juſtice was a laudable meaſure, and partook more of a free conſtitution, than the foundation of James V, originally projected by John duke of Albany, on the model of a French judicatory parliament, after deſpotiſm had tainted the government of France. This inſtitution alſo contributes ſomewhat to inſtruct us how a French parliament dwindled into a court of law. Particular regulations were enacted, concerning the cauſes to be tried by this court of ſeſſion, and the mode of 1458 6 March

[9] Torf. Orc. 184. A ſingular law-ſuit happened this year between James and lord Erſkine, concerning the earldom of Mar, and the king unjuſtly gained the cauſe: nor was the family of Erſkine admitted to its right till 1562. See a minute detail of this grand proceſs in Douglas' Peer. 467, ſeq.

[1] Each committee conſiſted of nine members, three clergymen, three barons, three burgeſſes: theſe diſtinct committees in the year amount to twenty-ſeven members; and the act bears that, on this plan, the judicial capacity of each member would not revolve above once in ſeven years, which infers a total of one hundred and eighty-nine.

procedure:

1458 procedure: but it is unjuſtly, and impoliticly, ordered that the members ſhould defray their own expences. Other acts concern the regulation of the coin, of the hoſpitals, and of military diſcipline, particularly for the encouragement of archery. A curious ſumptuary law appears, which ſhall be reſerved for future conſideration: and one common rate of meaſure is ordered to be followed through the kingdom. The decrees for the promotion of agriculture deſerve applauſe; they ordain that lands may be let in fee-farm, and that the king ſhall ſet the example; that woods, trees, and hedges, be planted; that wheat, peas, and beans, be regularly ſown; game is recommended to preſervation; wolves, and birds of prey, to deſtruction. A decent and peaceable attendance on the courts of juſtice is enforced: the violent ſeizure of lands is guarded againſt: he who attains the royal remiſſion is, nevertheleſs, to make compenſation to the plaintiff for any robbery or ſpoil: negligent, or corrupt, officers of juſtice are to loſe their office, and profits, for a year and a day, if heritable; if not, for ever[2].

The famous ſtatute of James I is confirmed, concerning *leaſing making*, or the propagation of falſehoods between the king and the people[3]; a law perhaps not deſerving of much blame, during the ſtruggles between monarchy and ariſtocracy, but which afterwards became an oppreſſive engine of ſtate. Two other acts particularly regard the conſtitution; by the one it is wiſely ordained that no leagues or bonds of aſſociation be entered into, nor any commotions raiſed, under the pain of confiſcation, and even the life of the guilty to be in the king's mercy; and that, under the ſame penalty, no inhabitants of boroughs ſhall engage in bonds of attendance; or ride in armour, ſave with the king, his officers, or the lord of the

[2] Acts, f. v. 39.—f. v. 45. [3] Ibid. f. 45, c. 100.

borough.

borough. The other act declares that no freeholder, that holds 1458
of the king a property of less value than twenty pounds a year, be constrained to come to the parliament or general council, as a member, except he be a baron, or be commanded by the king's officer or writ[4]. This ordinance, really intended as a relief of the subjects at a period when attendance on parliament was regarded as a burdensome expence, and loss of time, has been construed into an intention of undue influence.

The patriotic exertions of this last parliament of James II are terminated with a decree, that the proper officers order its statutes to be copied and proclaimed through the kingdom, in order that none may pretend ignorance. The members conclude with an affecting peroration, to the effect that, since God has sent their sovereign such prosperity, that all rebels and infringers of justice are banished, and no party able to excite commotion remains in the realm, if the king and his ministers be inclined to the quiet and utility of the state, and to dispense justice and equity among the people, the parliament therefore exhorts, and requires, the monarch diligently to enforce these statutes, that he may meet with the approbation of heaven, and of all his subjects; and expresses gratitude to God, who has sent them such a prince to be their governor and defender[5]. Alas, two short years were to close their hopes, and their gratitude! A fatal chance was again to reduce Scotland to the confusions of a minority, and to retard the civilization, and the glory, of that ill-fated kingdom. That the happiness of millions should depend upon the infancy of one, is a paradox in human affairs, which may provoke the smiles of those who think, and the tears of those who feel. But such instances seldom occur, and must be suffered, to avoid greater evils. Severe however,

[4] Acts, f. v. 43, c. 88, and f. 43, c. 85.

[5] Ibid. f. 45, c. 102.

1458 as are the misfortunes of elective monarchy, when compared with the hereditary calamities of Scotland, they loſe their terrors, and aſſume the aſpect of felicity.

1459 July Plenipotentiaries were named, to extend the truce with England, which expired this year; and it was prolonged for nine years[6]. The civil wars of York and Lancaſter now raged in that kingdom; and were long to conſume its force, and prevent any moleſtation of the neighbouring ſtates[7].

Nov. A commiſſion was iſſued to Sir William Monipeny of Rattray, and Mr. John Kennedy provoſt of St. Andrews, to proceed on an embaſſy to France, and demand the earldom of Xaintonge, which had been granted to James I. They were alſo to form a treaty with Caſtille; and to join Patrick Fokart, captain of the Scotiſh guard, in aſcertaining and ſettling the debt due by Scotland to Denmark: and afterwards to paſs to Rome, with Mr. Hugh Douglas archdeacon of St. Andrews, in order to teſtify the king's obedience to the new pontiff Pius II[8].

1460 In the deficiency of hiſtorical materials, it is not eaſy to diſcover the pretences, or cauſes, which induced James to break the truce by beſieging Roxburgh. It is certain that, in June, he ſent embaſſadors to England, to confirm the truce, and to compoſe any ſlight infringements, which might have

[6] To the 6th July 1468. Rymer, XI, 426. It is dated 12 Sept. and ratified by Henry, 20 Feb. 1460. Ibid. 443. Among Rymer's unpubliſhed papers, No. 4612, art. 69, is a power from Henry, (Coventry 26th July,) to confer with envoys from Scotland on ſecret matters, lately mentioned by Andrew abbot of Melroſe.

[7] Of this year, among other curious deeds in Scotſtarvet's Calendars, is a grant to John Dalrumpill, *the king's merchant*, for ſervices at home and abroad. Jan. and Aug. In Feb. James iſſued a ſingular, and rather arbitrary, mandate, forbidding John Swift, a burgeſs of Edinburgh, to diſinherit his eldeſt ſon: it is publiſhed by Hay Vind. of E. More, p. 61.

[8] Scotſt. Cal.

occurred

occurred ſince its commencement[9]: and that, on the third of Auguſt, he was ſlain. That, in the conteſt between the families of York and Lancaſter, the Scotiſh monarch inclined to the latter is to be inferred from his perſonal relation, by the mother, with the families of Somerſet and Gaunt, and from the aſſiſtance lent by the French king, his ally, to Henry VI; and is aſcertained by the treaties when Henry maintained his authority, and the intervals of war when York was in power, and by the flight of Henry, and his queen, into Scotland. The caſtle of Roxburgh was in the cuſtody of William Nevil, lord Fauconberg, of the houſe of Warwick, the chief pillar of York's honourable cauſe[1]. It appears therefore that the embaſſy of June, which conſiſted of not leſs than two biſhops, three abbots, and three peers, had far ſuperior intentions to thoſe expreſſed in the commiſſion; and was ſent to promiſe aid to Henry, upon certain previous terms, probably that Roxburgh and Berwick, held by the enemies of Henry, ſhould be reſtored to Scotland, if taken by James. On the tenth of July the Lancaſtrians had been defeated at Northampton, and Henry reduced to captivity; an event which ſeems inſtantly to have excited the Scotiſh monarch to arms, and he proceeded to ſecure the conceſſions in the firſt place, as not only a neceſſary object of prudence upon his part, but as affording a diſtraction to the arms of York, or a motive to their blame, by holding them out to the Engliſh as the origin of national diſaſter, and diſgrace. 1460

Accordingly, toward the end of July, James, with a numerous army, well furniſhed with cannon, and warlike machinery, proceeded to the ſiege of Roxburgh caſtle; which had ever ſince the battle of Durham remained in the hands of

[9] Rymer, XI, 453.

[1] Calendars of ancient charters, 38 H 6, p. 281.

1460 the Engliſh, and preſented a monument of jealouſy and envy to Scotland[2]. While the king was obſerving the effects of his artillery, one of the rudely contrived cannons of that age, conſiſting of iron bars, girded with circles of metal, ſuddenly burſt; a fragment ſtruck his thigh, and the great effuſion of blood produced a death almoſt inſtantaneous. The earl of Angus, who ſtood next to James, was wounded[3]. It is impoſſible to expreſs the grief of the camp, and of the kingdom, at the premature loſs of a beloved ſovereign, in the flower of his age, aggravated by the circumſtances, and by the ſtrange wantonneſs of the fatality. The young regretted the death of a youthful prince, of an ardent leader; the old ſighed at the proſpect of another minority. Could any conſolation have ariſen, it muſt have proceeded from the ſpirit of the queen, Mary of Gelder; who, immediately upon the tidings, arrived in the camp with the infant heir of the monarchy, and ſhewing him to the ſoldiers, while the tears guſhed from her eyes, ſhe conjured them by every domeſtic tye, by the memory of their ſovereign, by the fame of Scotiſh valour, not to depart from their deſign, but to deſtroy this calamitous fortreſs. The caſtle was taken, and levelled with the ground[4].

Such was the misfortune which deprived Scotland of the opening virtues of the ſecond James, in the twenty ninth year of his age, and twenty fourth of his reign. His progeny were

[2] Cont. of Bowar, 520. Mair, 325.

[3] Cont. of Bowar, 520. Mair, 325. W. Wyrceſtre, II, 482. Chron. end of Winton MS. Reg. 17 D.XX. Æneæ Sylvii Comm. p. 125, edit. Francof. 1614, folio.

[4] Ibid. but they are ſilent concerning the queen; and it is with heſitation that Hector Boyce, fabulous from firſt to laſt, is quoted with a final adieu to that impoſtor, Lib. XVIII, Lindſay's tranſl. 103, 104. Hector wrote three pages of the firſt year of James III, but happily did not finiſh that reign, of which there are ſeveral original hiſtorians.

James

James who ſucceeded him; Alexander duke of Albany, who was to be the father of John, the regent during the minority of James V; John, to be the earl of Mar: and two daughters, Mary, firſt wedded to lord Boyd, and after to lord Hamilton, whoſe family, by this connection, were to form hopes of the royalty in Mary's reign; and Margaret, who married William lord Crichton, ſon of the chancellor[5]. Such marriages attended the ignominious ſovereignty of James III. 1460

[5] Stewart's Gen. 69. Jean wife of Huntley, Douglas Peer. 299, was apparently daughter not of the firſt, but of the ſecond, James.

# BOOK VII.

BEING

## THE FIRST PART OF THE REIGN OF JAMES III.

*Minority of James III—regency—Henry VI and his queen in Scotland—Berwick acquired—houſe of Angus rivals the former power of Douglas—war with England—truce—death of Mary of Gelder—of biſhop Kennedy—Boyds in favour—parliaments—Mary the king's ſiſter wedded to Sir Thomas Boyd earl of Arran—marriage treaty with Denmark—Orkneys ceded to Scotland—Margaret of Denmark arrives—fall of the Boyds—character of James—parliament—reflections on ſome deſpotic meaſures—parliament—St. Andrews an archbiſhopric.*

1460 10 Aug. THE caſtle of Roxburgh being demoliſhed, the Scotiſh leaders performed ceremonies of homage, and fidelity, to their young ſovereign, now in his eighth year, at the neighbouring town of Kelſo, and then proceeded to the fortreſs of Wark which they alſo deſtroyed. Contented with their ſucceſs, and anxious to ſettle the government of their country, they returned and diſmiſſed the army [1].

[1] Leſley, 311. Lindſay 108. Buchanan, lib. XII, c. 1. The date of the coronation, (St. Lawrence's day,) may be found in the chronicle at the end of Winton, MS. Reg. 17 D.XX.

Soon

Soon after a parliament was held at Scone; and the king's coronation was ſolemnized. The queen mother, who had the ſole care of her royal ſon, his brothers, and ſiſters, appointed that loyal and prudent prelate, Kennedy, to conduct the young monarch's education[2]. The ſettlement of the regency is not a little obſcure; ſome authors inferring the queen, Mary of Gelder, to have been the ſole regent, and to have managed public affairs by the advice of Kennedy; while others add a council of regency, conſiſting of the chancellor lord Evandale, a natural deſcendant of Murdac duke of Albany; the earl of Orkney late chancellor, the lords Graham and Boyd, and the biſhops of Glaſgow and Dunkeld[3]. But it appears moſt probable that this council, if it exiſted, was only of ſtate; and that the oſtenſible management had, by the will of the late king, or the practice of Scotland, paſſed to the queen mother, who uſed the tried wiſdom and abilities of Kennedy, in conducting the government. This prelate, by the beſt influence, that of talents, and probity, and political ſkill, had acquired an authority before unknown to any churchman in Scotland; a country always more remarkable 1460

[2] Lindſay, 107.

[3] Ib. 107, 108. Leſley, 311. On the reſignation of the earl of Orkney in 1458, the biſhop of Brechin became chancellor. Andrew Stuart lord Evandale, (or Avondale, Lanarkſhire,) a natural ſon of Sir James Stuart, (that ſon of Murdac duke of Albany who fled to Ireland in the beginning of the reign of James I,) had been recalled with his two brothers by James II, and appears as chancellor on the acceſſion of James III. Crawf. Off. 37.

The fables, and prolix orations, of Buchanan concerning a conteſt between the queen and Kennedy, XI, 6—17 were compoſed by him to ſerve the faction of Murray againſt Mary, and deſerve ſevere reprobation, as they evince that he was capable of perverting the very foundation of hiſtory.

About the commencement of this reign it appears, from Scotſtarvet's Calendars, that James lord Livingſton was great chamberlain; James Lindſay provoſt of Lincluden keeper of the privy ſeal; Sir John Colquhoun comptroller; David Guthrie of Kincaldrum treaſurer; Archibald Whitlaw archdeacon of Moray ſecretary.

for

1460 for the moderation of its clergy, than for their ambition: and at a period while even the barren waſtes of Sweden had become the bloody ſcenes of eccleſiaſtical dominion, it is pleaſing to obſerve the Scotiſh prelates only eminent in honeſty, and patriotiſm.

1461 An important event ſoon attracted the attention of the Scotiſh government. Henry VI of England, having been defeated at Touton in Yorkſhire by Edward IV, fled to Scotland,
29 Mar. with his queen and ſon; the dukes of Somerſet and Exeter, lord Roſs, Forteſcue the chief juſtice, and other perſons of rank [4]. While the mental infirmities of Henry confined him at Kirkudbright, his heroic queen advanced to Edinburgh, and embraced in Mary of Gelder a form of ſimilar elegance, a ſpirit of ſimilar elevation [5]. The reſemblance of their diſpoſitions rendered the former alliance an inſtant friendſhip. A marriage between Edward the ſon of Henry, and Mary the daughter of Scotland, was propoſed and reſolved; but delayed by the youth of the parties, and finally prevented by the misfortunes, and the death of that prince [6]. To conciliate the expected aid, Berwick was ſurrendered to the Scots; an object often wiſhed and attempted ſince the diſgraceful invaſion
June of Edward Baliol. In return, a Scotiſh army entered England, and laid ſiege to Carliſle, which was held for Edward IV: but the Engliſh led by lord Montague raiſed the ſiege, and defeated the Scots with great ſlaughter [7].

[4] Hall, 187. Polyd. Virgil, lib. XXIII, p. 511. Harding, f. v. 227 edit. 1543, 4to, (who wrote, f. v. 229, while Henry was in Scotland.) Ferrerius, 385. Leſley, 313. Lindſay, 108. See alſo the Paſton contemporary letters, I, 219, 223. Monſtrelet, III, f. v. 61.

[5] Paſton letters, I, 249: Henry was only attended by four men and a boy.

[6] Monſtrelet, III, f. v. 61. Hall, 137. Buchanan, XII, 3.

[7] Harding, f. v. 227. Hall, f. v. 187. Polyd. Virg. XXIII, p. 511. Mair, 327. Ferrerius, 385. Lindſay, 108. Leſley, 312. Buchanan, XII, 3. The Paſton letters, I, 231, bear that 6000 Scots were ſlain at Carliſle.

So

So far were the Scotiſh monarchs from the refined policy of humbling their nobility, who, in a lawleſs country and period, formed, as it were, the bonds of fidelity between the king and the people, that James II had, in deſtroying the power of Douglas, only transferred that influence to Angus, another branch of the family. To gain the aſſiſtance of this powerful houſe, Henry VI now entered into an engagement to give George, earl of Angus, lands between the rivers Trent and Humber, amounting to the yearly value of two thouſand marks ſterling; and to erect theſe lands into a dukedom. It was however ſtipulated that the earl might war on England, at the command of the Scotiſh king; and that he ſhould not be amenable to the Engliſh parliament, or courts of juſtice [8]. 1461

To balance the influence of Henry in Scotland, Edward IV entered into a negotiation with John of Ilay, earl of Roſs, and lord of the Iſles, who maintained the independence of his anceſtors. By the treaty this potentate, and his numerous vaſſals, become the liege ſubjects of Edward, who aſſigns to the earl a certain penſion; and engages that, if Scotland be vanquiſhed by the alliance, the part to the north of the river Forth ſhall be beſtowed on Roſs, while that to the ſouth is to be held by the baniſhed earl of Douglas, both acknowledging the ſuperiority of England [9]. Oct. 1462 13 Feb.

Eager to ſtrengthen her deſigns by additional aſſiſtance, Margaret of England ſailed from Kirkcudbright to Bretagne, where ſhe prevailed on the duke to advance twelve thouſand crowns. She then paſſed to Anjou, to her father, whence ſhe proceeded to the French court at Chinon [1]. By an engagement 16 Apr.

[8] Hume Douglas, II, 21, 22, from the original.
[9] Rymer, XI, 483, 484, 492.
[1] Wyrceſtre, 493. Duclos' hiſt. de Louis XI. I, 177.

1462 to ſurrender Calais, when in her power, this ſpirited princeſs
23 June induced Louis XI to reinforce her cauſe with a ſum of twenty thouſand livres, and a permiſſion to Brezé, the high ſteward of Normandy, to accompany her with five hundred men at arms; who, with their uſual attendants, formed a force of about two
Oct. thouſand men [2].

She landed near Bamborough, and ſeized that fortreſs, Alnwick, and Dunſtanburgh. But Edward IV, and Warwick, advancing with a numerous army, Margaret and Brezé withdrew to their fleet; and paſſed to Berwick amidſt a dangerous
Dec. tempeſt, in which ſeveral ſhips, mariners, and ſoldiers, were loſt on Holy Iſland. The three caſtles ſpeedily ſurrendered to the arms of the Engliſh king. Yet Angus and Brezé gallantly advanced with a conſiderable force, and brought off in ſafety Brezé's ſon, with the French garriſon, from Alnwick, in the
1463 ſight of the Engliſh army [3].

Margaret of England finding all further reſiſtance vain, fled with her ſon, and ſome adherents, to Flanders, whence ſhe

[2] Du Tillet, f. v. 144. Duclos, ib. Carte, forgetting that Wyrceſtre's work is poſthumous, and not finally corrected, ſo that ſometimes events are twice mentioned, ſtrangely ſuppoſes Margaret and Brezé to have twice arrived from France and taken Alnwick, 1462, 1463. Wyrceſtre's voyages of Margaret in April, and on Good-Friday, p. 492, 493, are one and the ſame, the latter date being April 16th, 1462. The date of the deed concerning Calais, the plain narrative of Duclos, &c. evince the identity. In April 1463, Margaret went to Flanders, and Anjou, where ſhe remained, Wyrceſtre 496; and her preſence at the battle of Hexham, 1464, is more than doubtful. In July 1462 it was not Brezé, as Carte ſuppoſes, but Talbot who ſurrendered Alnwick, which he held with an Engliſh garriſon as a partizan of Henry. Wyrc. 493. Redpath and others have been miſled by Carte's inadvertence. Stow, Grafton, and other late writers, deſerve little credit.

[3] Harding, 228. Wyrceſtre, 494, 495. Fabian, II, 215. Duclos, I, 179. Leland Coll. II. 499. Leſley, 313. Lindſay, 109. Paſton Letters, I, 273.

paſſed.

paſſed to her father who aſſigned her a reſidence and revenue [4]. 1463
The battle of Hexham fought by her adherents in the following year was fatal to her cauſe: while Henry, ſuſpicious of the Scots, ventured into England in diſguiſe; and, after lurking a year in Lancaſhire, was diſcovered and ſent to the tower of London.

Warwick had artfully ſhaken the attachment of Mary of Gelder to the cauſe of Henry, by propoſing her marriage with the new Engliſh monarch: and the queen dowager ſeems even to have proceeded to Carliſle, to advance the negotiations [5]. But her doubtful reputation, and the ruin of Henry's affairs, fruſtrated the deſign; and ſhe may appear to have fallen a victim to her mortification on the occaſion. Mary of Gelder died on the ſixteenth of November, in the flower of her age [6].

[4] Wyrceſtre, 496. Forteſcue the chief juſtice ſeems to have attended her to Flanders, whence he was invited to England. He was ſoon after queſtioned concerning ſome writings againſt Edward's right, which had been circulated from Scotland into England. His declaration in anſwer appears, MS. Harl. 1757, f. 188. It is long and curious, but foreign to this work.

[5] In April 1462, according to Wyrceſtre, 493, Warwick met Mary at Dumfries, on the buſineſs of the marriage. In the Paſton letters, I, 270, there are ſome ſingular notices concerning the negotiations in Scotland. "Theſe lords in your other letter, with lord Haſtyngs, and others, ben to Karlyle, to reſſave in the queen of Scots." The ſame letter aſſerts that it was agreed that Henry and his adherents ſhould be delivered up to Edward; theſe terms having been granted by the young lords of Scotland in oppoſition to the old. The ſame diſtinction of party occurs in the minority of James V, which ſee. The earl of Douglas was, by the treaty, to be regarded as an Engliſhman; and retired in conſternation to the abbey of St. Alban's. It appears that the queen and Kennedy were in concord, in ſpite of Buchanan's fables; and that their party was that of the young or new lords, created by the houſe of Stuart; while perhaps Angus, attached by intereſt to Henry and to war with England, led the ancient ariſtocracy: but he died this year, leaving a ſon Archibald only nine years of age. Douglas Peer. Hume, II, 27.

[6] Mair, 327. Lindſay, 109. Buch. XII. 18. Leſley, 314, gives the month and day.

1463 Her prudence, her ſpirit, her various virtues and abilities, recommended her to public veneration, and eſteem. A widow in the bloom of beauty, and vigour of youth, it would not be a matter of ſurpriſe that her chaſtity was dubious; and even this ſtain would diſappear in the ſplendor of her merits, for nothing can be more unjuſt than to infer that the loſs of female modeſty is the loſs of every virtue. But there may perhaps be reaſon to believe that this charge belongs to calumny, and originated among ſome of the ambitious and inimical nobles, who vainly aſpired to her hand or her power; or, while awed by her authority, deſpiſed her ſway as that of a woman and a foreigner [7].

[7] The Hepburns of Hales, afterwards of Bothwell, were fatal to the reputation of our queens. Adam Hepburn of Hales is charged by Mair, 327, with committing adultery with Mary of Gelder, he being a married man. The charge is repeated, almoſt verbatim, by Ferrerius, 386, who adds her praiſe, "alias mirum in modum laudatiſſimæ:" by Lindſay, 109, and alluded to by Buchanan, XII, 18. Sir D. Dalrymple defends her, Remarks, ch. VII, by ſaying that Mair brought the charge fifty years after her death; but he was advanced in years, when he wrote, and it is to be wiſhed that we had equal evidence for all the events in our hiſtory. Sir David omits another evidence, that of Wyrceſtre, a contemporary, cited by Carte, II, 766, charging her with an amour with Somerſet, whoſe vanity related it to Louis XI; and Mary in revenge inſtigated Hales to murder him. Nor could Alexander duke of Albany have branded his brother James III as a baſtard, if their mother's reputation had been holy. Her devotion is more apparent, than her chaſtity, by her foundation of Trinity church and hoſpital, Edinburgh, 1461, confirmed by the biſhop of St. Andrews on the 1ſt of April 1462. See Arnot's Edinburgh.

Devotion and love are proverbially connected; and it will be difficult for any knight errant to overcome the teſtimony of Wyrceſtre, which moreover completely tallies with that of our hiſtorians. "Menſe Marcii (1462) dux Somerſetiæ reverſus eſt de Flandria, in una carvella, in Scocia. Et Regina Scociæ habuit ipſum in ſummo odio, eo quod diſcooperuit carnalem copulam cum ea Regi Franciæ, et fecit *dominum de Haylis* ſibi inſidiari ad interficiendum." Ad finem Libri Nigri a Hearne, II, 492. See alſo, Leland Itin. V, 94, her ſuſpected amour with Gray of Northumberland.

Nevertheleſs

Nevertheleſs the biſhop of Glaſgow, and other embaſſadors, 1463
met the commiſſioners of England at York; and a truce of
about one year was concluded. The ſupport of Henry's cauſe 19 Dec.
was formally abandoned by Scotland; and Edward on his ſide reſigned that of the baniſhed earl of Douglas: but the depoſed king and peer were to remain inviolate in the reſpective realms to which they had fled for refuge [8].

The truce, lately concluded with England, was violated. 1464
The young duke of Albany, proceeding to Gelderland, with a May
numerous train, after having procured a ſafe conduct from the Engliſh monarch, was nevertheleſs captured at ſea: but, by the ſpirited remonſtrances of the Scotiſh government, declaring inſtant war in caſe he were not releaſed, his deliverance was ſpeedily effected [9]. This event appears to have been accidental, for the truce was immediately extended to fifteen years [1]; and in the following year to the term, before unknown, 1465
of fifty-four years, cloſing at the laſt day of October 1519 [2]; a vain ſpace, and ſoon to be interrupted! Edward IV, diſſolved

[8] Rymer, XI, 517, gives the commiſſion of James; the terms of the truce are taken by Abercromby, II, 390, from the original in the Scotiſh records: but this author ſeems miſtaken, when he mentions the biſhop of St. Andrews as an envoy. There is indeed a ſafe conduct to that prelate 5 Dec. 1463, Rymer, XI, 509, but not as envoy; though the other perſons there named were the embaſſadors.

Perhaps it was on this occaſion that a declaration was given by Thomas biſhop of Aberdeen, Crawfurd, Hamilton, &c. that the earl of Oxford, on coming to Scotland in 1461, was ordered to retire, and ſold no ſhips there. Rymer's unp. papers, No. 4613, art. 48.

[9] Mair, 328. Lindſay, 110. Leſley, 314. Ferrerius, 386. Buch. XII, 18. His paſsport is dated 20th April. Rymer, XI, 520.

[1] Rymer, XI, 525, 1 June.

[2] Ibid. 557. The commiſſion of James is dated at Down in Menteith, 28 Nov. 1465: ib. 549.

In 1464 the lords of Vere and Tourhon arrived in Scotland, as embaſſadors of Charles duke of Burgundy, and renewed the alliance. Leſl. 314.

in

1465 in luxury, and more fond of pleaſure than of war, eagerly wiſhed that the Scotiſh king ſhould wed an Engliſh lady, and that a perpetual peace ſhould be eſtabliſhed between the kingdoms; while the government of Scotland, influenced by biſhop Kennedy, ſeemed at length to have learned that war was no path to ſolid advantages. The new politics of Louis XI, his avarice, his want of faith, ſeem alſo to have had ſome weight in the pacific inclinations manifeſted by Scotland [3].

1466 10 May The death of biſhop Kennedy, a prelate of high and deſerved reputation, excited much public regret. A grandſon of Robert III, his virtues, and abilities, conferred a greater glory than his royal deſcent [4]. His wiſdom, his munificence, his public ſpirit, ſecured the applauſe, and gratitude, of his country: and his fame would diffuſe a ſtrong and ſteady light, independent of the darkneſs of a barbarous age. Upon the death of the queen mother, he appears to have retained the chief management of affairs, by the declared will, or implied conſent, of the nation. To the foundation of the college at St. Andrews, this prelate added two other monuments of his wealth,

[3] Duclos hiſt. de Louis XI, I, 291, mentions an embaſſy from Scotland, in 1465, to reclaim Xaintonge, and ſupport the duke of Bretagne againſt the ambition of Louis. The matrimonial connections with Bretagne and Burgundy operated almoſt to a diſſolution of the alliance with France.

Buchanan following, as uſual, the fabulous Boyce, and with his own wonted neglect of chronology, arranges as in 1465 an inſurrection of Donald of the iſles, dated by Boyce in 1461. When Boyce wanted materials in whatever ſtage of his hiſtory he always raiſed a Donald of the iſles, the perpetual ghoſt of his pages. From 1427 to 1448 Alexander was lord of the iſles; John from 1448 to 1475. Suth. Caſe, 30, 31. Dougl. Peer.

[4] Mary daughter of Robert III was firſt wedded to George earl of Angus, and afterwards to Sir James Kennedy, by whom ſhe had iſſue Gilbert lord Kennedy, and the biſhop. Stewart's Gen. 62. The ſecond George earl of Angus, who died in 1463, was uterine brother of biſhop Kennedy. Ib. Dougl. Peer. Hume, II, 11.

his

his tomb of the fineſt gothic conſtruction, and a ſhip of great 1466
ſize called the Biſhop's Barge. The former was ſacred to the idle pride of the times; but in the latter he might reproach his nation with inattention to commerce, and maritime affairs, and hold out an example for their imitation. It is aſſerted that the expence of theſe three objects amounted to ten thouſand pounds ſterling each; or a total ſum equal at preſent to about three hundred thouſand pounds: but it is hardly conceiveable that, even in twenty-ſix years of prelacy, and five of public emolument, ſuch a treaſure could have been amaſſed. Eminent in knowledge of the civil law, in the learning of the age, in the experience of men, and manners, and politics, the late king, the nobles, ſubmitted to his wiſdom as to that of a public parent. Nor was the biſhop leſs reſpectable than the counſellor of ſtate, in enforcing the reſidence of his clergy, their regular preaching, and viſitation of the ſick; and in affording an example, by preaching four times in the year at every church of his dioceſe, by inſpecting the maintenance of the poor, and the education of youth, and by the vigorous puniſhment of clerical negligence [5].

The king, now in his fourteenth year, being delivered from the ſtern inſtruction of the prelate of St. Andrews, became a prey to flattering courtiers. Among theſe Robert lord Boyd was diſtinguiſhed for his conciliating manners, and intereſted cunning. His ſons, Thomas and Robert, were introduced to the royal favour; and their uncle, Sir Alexander Boyd, a

[5] Compare Mair, 328, who, amid much praiſe, juſtly blames Kennedy for holding the *commendam* of Pittenweem with his biſhopric; and for the proud expence of his tomb. It is ſingular that Mair ſhould mention the *commendam* as ſmall, *exigua*, and yet eſtimate its revenue at eight hundred pieces of gold: ſhould we read eighty? Lindſay, 110, gives a *naïf* character as uſual. Ferrerius, f. v. 337, Leſley, 314, Buchanan, XII, 23, join in the applauſe.

mirror

1466 mirror of chivalry, was appointed to ſuperintend the military exerciſes of the youthful ſovereign [6]. After the death of Kennedy, the Boyds had proceeded to ſuch audacity that, when 9 July the king was ſitting in the exchequer at Linlithgow, they conſtrained him to proceed with them to Edinburgh, and to remove from his preſence thoſe who had been ordered to attend him by the parliament [7]. This violence, which had been declared direct treaſon by a late act, was in a very few years to furniſh means for the condemnation of the perpetrators.

9 Oct. A parliament being ſummoned to Edinburgh, lord Boyd was ſolemnly pardoned by the king; and appointed governor of his perſon, and of the princes, and royal caſtles, and afterwards one of the council choſen to conduct the marriages of James, his brothers, and ſiſters [8]. The privileges of the church were, as uſual, ratified: it was ordered that the dowery of the future queen ſhould amount to one third of the royal revenue, in lands and cuſtoms: ſeveral regulations to reſtrain the avarice of the clergy concerning penſions, and commendams, were iſſued: and a ſtatute of Robert I, denying to any Engliſhmen benefices

[6] Ferrerius, 386, Buchanan, XII, 21. Leſley's brevity omits much: and Lindſay, 114, unaccountably paſſes ten years, 1468—1478. The Boyds, and other weſtern families, ſeem to have been favoured by biſhop Kennedy, whoſe patrimonial connections lay in that diviſion.

[7] See an extract of the trial of the Boyds in 1469, in Crawf. Off. 316, 317. Buchanan, XII, 22, erroneouſly ſuppoſes the affair to have happened before the death of biſhop Kennedy. His *John* Kennedy was *Gilbert*, elder brother of the biſhop: Rudd. notes 443. But his whole account is a fable, and irreconcileable with the trial. Fabulous elegance, and a complete confuſion of chronology, are the general features of Buchanan's hiſtory. Leſley is infinitely ſuperior in veracity and exactneſs.

[8] A ſolemn pardon was granted to Boyd, Adam Hepburn *apparent* (heir) of Hales, John lord Somerville, and Ker *maſter* of Ceſsford, 5 Oct. Scotſt. Cal. Boyd had a grant of the office of governor of the king, his brothers, and caſtles, 25 Oct. Ib. As to the marriages ſee Crawf. Off. 315. Acts, f. 46, c. 2.

ſecular

ſecular or religious in Scotland, was confirmed. For the further ſecurity of the public peace, high fines were impoſed upon the *burrows*, or pledges, of thoſe who had been obliged to give ſecurity for their behaviour, and afterwards violated the paction. This parliament further ordained that no perſon ſhould ſend money out of the kingdom, nor take more with him than was neceſſary for his expences, under pain of forfeiting the ſum, and ten pounds more: an ineffectual proviſion for the want of induſtry, and calculated to fetter commerce, and increaſe that poverty which it was intended to prevent. The increaſing wealth of England rendered the poverty of Scotland more conſpicuous: but we in vain peruſe the Scotiſh acts of parliament, to find encouragement given to the woollen trade, or to manufactures, or any invitation to foreign manufacturers, to ſettle in the kingdom. On the contrary the regulations ſeem only adapted to baniſh commerce; and in conſequence depreſs induſtry; and as it can hardly be conceived that the commiſſioners of the burghs were blind to their own intereſt, there is room to believe that the overbearing nobles, and prelates, intended to cruſh the wealth of the citizens, a ſubject of their envy and ſcorn. The Scotiſh money was now to the Engliſh as one to three; and the Scotiſh ſilver penny became a moſt diminutive coin, ſo that it could not be cut into quarters, or farthings, as formerly: for the benefit of the poor, this parliament decreed that billon farthings, of copper mixt with a ſmall portion of ſilver, ſhould be iſſued, being the firſt example of that coinage in Scotland [9]. 1466

The national council, having again aſſembled, publiſhed ſeveral decrees wholly regarding commerce. It was inſtituted that none but freemen of burghs, and their domeſtic factors, 1467 31 Jan.

[9] Acts, f. 46—f. v. 47.

1467 and ſervants, ſhould pretend to foreign trade, except the biſhops, lords, barons, and higher clergy, who might ſend their ſervants: that no craftſmen ſhould engage in foreign merchandize: that none ſhould aſpire to trade, who had not a certain property: that no ſhip ſhould ſail, without a formal agreement between the merchants and the maſter of the veſſel; nor enter upon a voyage in winter: that no merchant ſhould freight any veſſel to certain towns in Flanders, among which Bruges, the grand ſtaple of commerce, is mentioned, but that Middleburg ſhould be the only allowed port in the Netherlands, while Rochelle, Bourdeaux, and the other havens of France, are left free as before; an ordinance apparently proceeding from ſome freſh diſſention with the Flemings [1].

Meanwhile the Boyds proceeded in their ambitious deſigns, and collected a power too heavy for them long to ſupport. Strangers to the prudence of moderation, their career was rapid in the extreme; and the nation beheld with diſguſt, and ſurpriſe, their influence ſo far abuſe the weak youth of the king, as to procure his eldeſt ſiſter, who had been affianced to the ſon of Henry VI, in marriage to Sir Thomas, the ſon of lord Boyd. The iſland of Arran, and other lands, were given as the dower of the princely bride, and erected into an earldom in order to elevate the ſtation of her huſband, who was at the ſame time created conſtable of Scotland [2]. This connection was the more invidious, as lord Boyd was one of thoſe who had been appointed to manage the nuptials of the royal family; and as it was aſſerted that the princeſs had been promiſed to

[1] Acts, f. v. 47—f. v. 48.

[2] In Scotſtarvet's Calendars appear grants of the lands of Arran, Stuartoun, &c. to Mary counteſs of Arran, and Thomas *lord Boyd* earl of Arran her huſband, dated 26 April 1467. He is conſtable in October. Carm. Tracts, p. 48.

Hamilton's

Hamilton's ſon, as a recompence for his critical ſervices to her father, in withdrawing his forces from Douglas[3]. 1467

The ſtatutes of the two next ſeſſions of parliament chiefly concern the ſtate of money in the kingdom[4]; and muſt have excited diſcontent by the repeated alterations of the value, a ſymptom indicative of a weak or a pernicious government. Scotiſh money now became to the Engliſh as one to four; a circumſtance rather imputable perhaps to the increaſing wealth of England, than to the penury of Scotland; though in the latter country a great ſource of abundance had been ſtopped, by the long diſcontinuance of inroads into England, whence a degree of opulence had ariſen, from the ſpoil and the ranſom of captives. However this be, the unpopular example of James III long ſerved as a beacon to warn the ſucceeding monarchs, and there is no further alteration in the value of money till the reign of Mary. 12 Oct. 1468 12 Jan.

Among the ſingular incongruities of human affairs, may be claſſed the fortune of the third James. His feeble and tyrannic reign was, in its commencement, graced with the capture of Roxburgh, the reddition of Berwick, and the important annexation of the Orkneys to the Scotiſh monarchy; any one of which events would have reflected honour on the able reigns of his father, or grandfather. Let us then abandon the maxim, that political prudence, and ſucceſs, are the ſame. The acquiſition of the Orkneys forms an incident, ſo remarkable in itſelf, and attended with ſuch laſting conſequences, that no apology need be offered for entering into ſome detail upon this intereſting ſubject.

That the Orkneys were conſidered as a part of Pikland, till the Norwegians ſeized them, with the Hebudes, in the ninth

[3] See Abercr. II, 397, but the aſſertion is more than doubtful.

[4] Acts, f. 49, 50.

1468 century, has been before explained. When the latter iſlands were, in 1266, ſo far recovered by Alexander III, that the Norwegian kings reſigned the title of their ſovereignty to the Scotiſh, though the Lords of the Iſles never paid homage, except by a conſtraint which ſeldom occurred, the Orkneys ſtill remained an earldom, acknowledging no ſuperior but the king of Norway. The Norwegian line of earls failed about the year 1330, in the perſon of Magnus V: and the earldom paſſed, by female ſucceſſion, to Malis earl of Strathern [5]; who leaving only daughters, William Sinclair obtained the Orkneys, in right of his marriage [6]; and in this family they long remained. The undoubted ſuperiority however reſted with the kings of Denmark, to which Norway had been annexed ſince the year 1387; they continued to give the inveſtiture; and, on the failure of heirs, or any pretext of rebellion, or neglect of allegiance, might have reſumed the property. The Norwegian and Daniſh monarchs even conſidered the houſe of Sinclair as rather inveſted with the titular, than with the real, ſucceſſion; and ſometimes appointed other governors [7].

When Hakon VI, in 1379, admitted the claim of Henry Sinclair to this earldom, his inveſtiture was burthened with ſevere conditions: 1, Sinclair was conſidered as being appointed governor, and earl, of the Orkneys, by an abſolute grace of the king: 2, beſides preciſe fidelity upon all occaſions, he is bound to ſerve his ſovereign with one hundred men completely armed, when required, upon a notice of three months:

[5] His right is rather obſcure, but it appears to have been by marriage. Diploma of 1443 in Wall. Ork. and Orkn. Saga, p. 552.

[6] Ibid. 553. William was ſucceeded by Henry Sinclair, the firſt of that name, 1369—1392? He was followed by the ſecond Henry, who died in 1420. The next was William, the celebrated chancellor, who in 1470 ſurrendered the Orkneys to the crown. Crawf. Off. 35.

[7] Torf. Hiſt. Orc. 178.

3, to

3, to defend the Orkneys, and Shetland, againſt any invaſion, 1468
not only with the native force, but with the whole power of his houſe: 4, to exert both the ſaid powers in aſſiſtance of his Norwegian ſovereign, when he attacked any foreign ſtate: 5, not to build any caſtles, or forts, in the iſlands without the royal conſent: 6, to maintain all the inhabitants in their own laws: 7, not to ſell, or impledge, the earldom, or the right to it: 8, to be bound to anſwer for maladminiſtration according to the laws of Norway: 9, to attend the king upon any juſt cauſe, or at the national council: 10, to aſſiſt Hakon againſt the biſhop of Orkney: 11, the earldom is to return to the king, in caſe there are no male heirs: 12, Sinclair is to pay to the king one thouſand gold nobles. The deed contains other ſtrict clauſes, unneceſſary here to commemorate: nor need it be added that Sinclair, in caſe of a war, muſt have choſen between his Scotiſh and Norwegian fidelity, in a certainty that the poſſeſſions under both could not be retained [8].

The direct ſovereignty of the kings of Denmark and Norway, over the Orkneys, appears moſt evidently in the years between 1422 and 1434, when different governors were appointed, as would ſeem during a minority in the houſe of Sinclair; for in the latter year the inveſtiture of this earldom was, by Eric the Daniſh monarch, conferred upon the celebrated William Sinclair, afterwards chancellor of Scotland. To this great man, who held the earldom, when the ceſſion was made, it may appear that Scotland was not a little indebted for this advantage [9].

Another

[8] Deed of Inveſtiture in Torf. Orc. 174—177.

In 1380 happened the ſtrange voyage of Nicola Zeno to Shetland, publiſhed at Venice 1558, 8vo. The learned diſſent much with regard to its veracity. If real, his Friſland is the Ferro iſlands; and his Zichmni is Sinclair. His book is one of the moſt puzzling in the whole circle of literature.

[9] In 1418 John Sinclair paid homage to Eric king of Denmark for Hialtland or Shetland. Torf. 178. In 1422 the earldom of Orkney was aſſigned to Thomas

1468 Another object to be conſidered upon the preſent occaſion, as leading to the final treaty between Denmark and Scotland, is the *annual of Norway*, as it is termed in a Scotiſh act of parliament [1]. When after the unſucceſsful expedition, and death, of Hakon IV, Magnus V king of Norway, had, in 1266, ceded the Hebudes to Scotland, it was ſtipulated, in the treaty, that the Scotiſh kings ſhould pay the annual ſum of one hundred marks, as an acknowledgment for the renunciation. This ſmall ſum, as might be expected, was rather allowed to accumulate, than regularly paid, eſpecially when any commotions intervened in the Scotiſh government. The treaty had been confirmed by Robert I in 1312; and by James I in 1426 [2]. But, in 1457, the payment had been neglected for a long period; and Chriſtiern I, in whom the houſe of Oldenburg had nine years before aſcended the Daniſh throne, having at length attained poſſeſſion of the ſceptres of Denmark, Norway, and Sweden, and having in the preceding year concluded an alliance with France, remonſtrated, even with menaces, upon this account to the ſecond James [3]. The object had been conſidered as of ſuch importance by the Daniſh monarch that, in the treaty with France, a ſpecial article bore that, in caſe of any diſpute with the Scotiſh king, upon this occaſion, Denmark ſhould be ſecure of the friendſhip of France [4]. It appears indeed that the ſum demanded by Den-

Thomas the biſhop. Ibid. In 1423 to David *Meyner* of Weems a Scotiſhman, ib. perhaps *Weymes* of Weems. In 1427 it was reſtored to the biſhop. Torf. 182. Earl Henry died in 1420, Bowar, 460; William was not inveſted till 1434. Torf. 183.

[1] Acts, 1466, f. 46. [2] Torf. 198.

[3] Ibid. 183. The name is ſpelled Chriſtiern (Miles Chriſti,) by the kings themſelves, till about 1550, when *Chriſtian* appears. Many papers, Veſp. F. III.

[4] Ibid.

mark

mark was large; for the penalty of ten thouſand marks, for each failure, was charged: and the aggregate in forty years of omiſſion aroſe to four hundred and four thouſands of marks ſterling, or nearly ten millions of preſent currency[5]. After ſome negotiation, the commiſſioners of Denmark and Scotland at length appeared at Paris, in the year 1460, in the preſence of the French king Charles VII. The Danes only producing a copy of the agreement between Eric and James I; and the duplicate original of the Scotiſh archives being in the poſſeſſion of the biſhop of St. Andrews, the chief of the embaſſy, who had been arreſted by ſickneſs at Bruges; the Scotiſh envoys ſeized the occaſion to ſtart objections. The penalty, they affirmed, could not be incurred as the treaty had not been infringed, but only neglected; and they even hinted that the long forbearance, on the part of Denmark, implied a preſcription. Charles, wiſhing to conciliate his allies, alledged the abſence of the original treaty as a ground of indeciſion: but prudently recommended a marriage between the heir of Scotland, and the daughter of the Daniſh ſovereign, as the beſt mean of terminating the difference. After ſome conſideration of this propoſal, the Scotiſh envoys, who appear to have had previous powers, aſſented, upon condition, that the arrears of the annual ſum payable for the Hebudes ſhould be diſcharged, and the payment for ever remitted: that the king of Denmark ſhould abandon his right to the Orkneys and Shetland; and pay one hundred thouſand crowns for the decoration of the royal bride. The Danes required time to conſult their court, but in the meanwhile James II was ſlain: 1468

[5] Torf. 184, ſpeaks of forty years: in p. 185, of twenty-ſix. The laſt ſeems an error, ariſing from a date 1426, p. 185. Yet from 1426 to 1460 are but thirty-four years. See here May 1426.

upon

1468 upon which event, the king and council of France recommended delay and deliberation [6].

It was not to be ſuppoſed that the Scotiſh government would neglect an object of ſuch moment; and the king's approach to maturity recommended it to increaſing attention. The parliament of 1466 had conſidered the marriage of James as connected with the *annual of Norway:* but nothing further ariſes till the preſent year, when Chriſtiern ſent to demand the payment, expreſſing at the ſame time his wiſhes of amity with the Scotiſh monarch. In his anſwer James proteſted an equal deſire of friendſhip with Denmark, a country of ſuch proximity to Scotland, and ſo much connected by mutual commerce; and promiſed to ſend embaſſadors in order to conciliate this, and other affairs [7]. Accordingly full powers were granted to lord Evandale chancellor of Scotland, Boyd earl of Arran, the biſhops of Glaſgow, and the Orkneys, and other perſons of inferior note, to viſit the courts of France, England, Spain, Denmark, Burgundy, Bretagne, Savoy, and other regions, that they might ſelect a wife for James, and contract the marriage; a general commiſſion either intended to provide for a failure in Denmark, or to flatter the Daniſh court by the appearance of choice, and preference [8]. This honourable embaſſy proceeded to Copenhagen; and awaited Chriſtiern's return from Sweden [9].

28 July

Chriſtiern I was one of the moſt powerful monarchs who had ever held the Daniſh ſceptre. Poſſeſſed of the three northern kingdoms, and of the duchies of Sleſwick and Holſtein, pious, prudent, liberal, and a lover of peace, he was regarded with veneration by the neighbouring princes, who conſtantly choſe him as the arbiter of their differences. But the frequent tu-

[6] Torf. 184—186. [7] Torf. 187. [8] Commiſſion in Torf. 192.
[9] Torf. 187.

mults

mults of Sweden, and the repeated aſcents of Charles Canutſon upon the throne of that kingdom, one of which happened this year, joined with the ſums paid for the acquiſition of Sleſwick and Holſtein, had exhauſted the penury of the Daniſh treaſure. No king of Denmark had ever rendered his influence ſo much known in Europe, by foreign alliances; among which that formed with France againſt England was the chief: and a connection with Scotland, important in itſelf, was further recommended by mutual friendſhip and enmity. Theſe circumſtances conſidered will abate any ſurprize at the conduct of Chriſtiern, in abandoning to Scotland the iſlands of Orkney and Shetland, remote and little profitable to Denmark; and commanded by a Scotiſh family, of divided, and uncertain fidelity. 1468

But to Scotland the proximity of theſe iſlands, and the univerſal belief that they had anciently belonged to the monarchy, rendered their acquiſition a matter of glory, and importance; not to mention their intrinſic value, which was far from being inconſiderable. The Scotiſh embaſſadors, aware of the weight of their negotiation, conducted it with zeal and prudence; but could not prevail upon Chriſtiern to grant an immediate dereliction of the Orkneys and Shetland; while his deſire of the alliance, and his poverty, conſented to impledge them for the greater part of his daughter's portion. The chief articles of this memorable treaty were; 1, that the arrears of the annual ſum ariſing from the Hebudes, ſhould be remitted, with all the penalties; and no future payment ſhould be demanded from the king and queen of Scotland, their heirs and children[1]: 2, that the bride's portion ſhould amount to ſixty thouſand florins, of which ten thouſand are to be diſburſed before 8 Sept.

[1] "Eorumque heredibus ac liberis duntaxat." Torf. 195.

1468 ſhe leaves Denmark with the embaſſadors; and for the remaining fifty thouſand Chriſtiern, with the advice and conſent of the prelates, peers, and chiefs of Norway, aſſigns the iſlands of Orkney, as a pledge to be retained, till redeemed by him, or any future Norwegian king: 3, that James ſhould, in caſe of death, confirm Margaret of Denmark in the poſſeſſion of the palace of Linlithgow, and caſtle of Down in Menteith, with their territories; and in a revenue of one third part of the royal income: 4, that if the queen ſhould in widowhood chuſe to leave Scotland, ſhe ſhould, inſtead of this proviſion, accept one hundred and twenty thouſand florins, of which fifty thouſand ſhould be eſteemed paid upon the redeliverance of the Orkneys; provided that the queen did not marry any Engliſhman of whatever rank [2].

The Swediſh commotions continuing to conſume the Daniſh revenues, the delay of the payment agreed on protracted the reſidence of the Scotiſh embaſſy at Copenhagen; and Arran returned to Scotland, to lay the terms before James; and obtain inſtructions concerning the conveyance of the bride [3]. Winter now approached, and the ice and ſtorms of a Scandinavian ſea being dreadful to the embaſſadors, and their fair charge, it was reſolved that the voyage ſhould be delayed till
1469 ſpring; when Arran, with a noble train, again proceeded to Denmark [4]. The Scotiſh peers envied not his commiſſion; but reſolved to avail themſelves of his abſence, by completing, what on his former departure they had commenced, his ruin and that of his family. Chriſtiern had not repleniſhed his
20 May treaſury; and his deſpair of ſupply prompted him, while he alledged the Swediſh war as an apology, to offer the iſlands of Shetland, on the ſame terms with thoſe of Orkney, but a

[2] Ibid. 95—197. [3] Torf. 188. [4] Ferrer, f. v. 388. Buch. XII, 27.

pledge

pledge only for eight thouſand florins; while he paid the re- 1469
maining two thouſand, a ſum now equal to about twenty thouſand pounds [5]. The offer was inſtantly accepted: and ſince that period the Orkneys, and Shetland, have been gems of the Scotiſh crown [6].

Margaret of Denmark arriving at Leith, the royal nuptials, July
and her coronation, were celebrated with much joy; for the king and the nation exulted in the merits of the queen. She was now only in her thirteenth year; but to eminent perſonal charms, ſhe was to unite ſuch excellent manners, and unaffected piety, that her example became a living leſſon of virtue. The pomp of her reception correſponded with her worth, and the value of her dower: and the grandeur of the ceremonies was long after remembered with applauſe [7].

[5] Torf. 188.

[6] In 1470 William Sinclair earl of Orkney reſigned his claims to the king. Scotſtarvet narrates a grant to William earl of Caithneſs, lord Sinclair, of the caſtle of Ravenſcraig, and lands adjacent, in recompence for his caſtle of Kirkwall, "and his haill richt of the erledom of Orkney;" 17 Sept. 1470. Of the ſame date are many other advantageous grants; an engagement that no revocation ſhall take place though the king be a minor; a gift of forty marks yearly out of the great cuſtoms of Edinburgh; liberty to live where he pleaſes, except in England, and receive his rents; a complete diſcharge from James and Chriſtiern of all claims whatever, &c. Scotſt. Cal. In 1471 the earldom was, in conſequence, formally annexed to the crown. Crawf. Off. 35, from the records of parliament. Abercromby II, 429, erroneouſly ſuppoſes it *forfeited* in 1479.

Torfæus, Orc. lib. III, p. 207—228, attempts to prove that the Orkneys may ſtill be redeemed by Denmark. They were claimed in 1549, 1558, 1560, 1585, 1640, 1660, 1667. Torfæus wrote in 1697: and the claim, on its firſt revival doubtful, as buried in proſcription, may now be conſidered as totally loſt. Nature by proximity aſſigned them to Scotland: and the poſſeſſion by the Norwegians for ſix centuries was only an uſurpation of maritime force.

[7] Mair, 328, who here cloſes his hiſtory of Scotland. Ferrerius, 389, exhauſts rhetoric in her praiſe. Leſley, 315, joins in the applauſe.

1469 Amid the general joy, one family was loſt in cares, and in all the remorſe of imprudent ambition. The ſudden elevation of the Boyds had excited uncommon envy; and their pride had created numerous and powerful enemies. During the laſt abſence of Arran, ſuch influence had been exerted, that James had paſſed from extreme favour into a total alienation from that family; and it was natural that, as he advanced in years and intelligence, he ſhould become inimical to a houſe, which had ſo groſsly abuſed his power and his youth. As ſoon as the ſhips which conveyed the Daniſh princeſs, and her attendants, had arrived in the Forth, the ſiſter of James with a laudable zeal for her huſband, haſtened on board to inform Arran that Scotland was now to him a hoſtile, and dangerous, ſoil. They fled together into Denmark, Arran hoping that his wife would prove a pledge for his ſafety[8]. But the Scotiſh monarch yet further irritated by this inſult, proceeded to extreme meaſures againſt the Boyds. The chief of the family, lord Boyd, had an idle recourſe to arms: his few followers diſbanded, upon the firſt rumour of the royal ſtandard being
20 Nov. diſplayed. A parliament was held: the charge againſt the Boyds chiefly reſted upon an action of declared treaſon, the removal of the king from Linlithgow: it was pleaded that this deed had been pardoned in open parliament: the anſwer ſeems to have been, that the poſſeſſion of the king's perſon had, upon that occaſion, given the Boyds ſuch influence, as to
22 Nov. conſtrain the legiſlative body. Sentence was pronounced; and Sir Alexander Boyd was beheaded. Lord Boyd eſcaped his brother's fate, by retiring into England, where he died in a few years at Alnwick, under the united preſſure of age, and

[8] Ferrerius, 387, by anticipation: Leſley, 315. Buch. XII, 30.

of

of misfortunes, rendered doubly keen, by the conſciouſneſs 1469
that they were deſerved [9].

Arran remained in Denmark for ſome time; and James afterwards found means to have his ſiſter ſent back into Scotland. Her unfortunate huſband wandered into England, and other countries, till he found an early death, and obſcure tomb [1]. Either after his death, or upon a divorce, the Scotiſh princeſs was at length, in 1474, wedded to lord Hamilton, a connection which was to open to that noble family a near proſpect of the crown. Her children by the firſt marriage, James Boyd, created lord Kilmarnoc in 1482, and ſlain in a feud with the Montgomeries in 1487; and Grecina, wedded to lord Forbes, and after to the earl of Caſſils, died without iſſue. Her ſecond

[9] Ferrerius, 387. Buch. XII, 29. Crawf. Off. 316, from the original trial.

[1] The fate of the Boyds is obſcure. Of Robert the ſecond ſon nothing is ſaid; and it is ſuſpected that the varying relations of Ferrerius and Buchanan originate from confounding him with Thomas earl of Arran. Though he appear not to be mentioned in the trial, yet his voluntary exile may have followed the ruin of the family. Arran, according to Ferrerius, wandered from Denmark to Germany, Venice, Naples, Tuſcany, where he was ſlain by the huſband of a woman, whom he attempted to debauch: according to Buchanan he went from Germany to France and Burgundy, and died at Antwerp, where a magnificent tomb was erected to his memory by Charles the Bold, who himſelf died in 1477. However this be, in 1470 or 1472, Arran was in England. John Paſton eſq. in a letter to Sir John Paſton his brother, written, as Mr. Fenne the editor obſerves, in one of theſe years, ſays "Alſo I pray you to recommend me, in my moſt humble wiſe, unto the good lordſhip of the moſt courteous, gentleſt, wiſeſt, kindeſt, moſt companionable, freeſt, largeſt, and moſt bounteous knight, my lord the Earl of Arran, which hath married the king's ſiſter of Scotland." Paſton proceeds to ſtyle him "a light, clever, well-ſpoken, fair archer; devouteſt, moſt perfect, and trueſt to his lady, of knights;" and adds that he lodged at the George, Lombard-ſtreet, and had borrowed the ſiege of Thebes (printed by Caxton?) from Miſtreſs Paſton their ſiſter. Buchanan's account ſeems to claim the preference. In 1468 Charles of Burgundy married Margaret of York; and, in the amity of the countries, Arran perhaps viſited England as a traveller.

bed

1469 bed produced James, created earl of Arran in 1503; and Elizabeth, who wedded Matthew earl of Lennox[2].

The king, who had now nearly attained his eighteenth year, was, upon his marriage, regarded as arrived at the age of majority; and the reins of ſtate were left entirely in his hands. His perſon was elegant, his mind weak. In attachment to favorites, in ſuperſtition, in love of retirement, and literature, he not a little reſembled James VI. The other chief features of his character were avarice, caprice; and a delight in architecture, muſic, and aſtrology, too violent to leave room for the duties of a monarch. His averſion to the ſeverity of public buſineſs rendered the relaxation of his government obnoxious to the united evils of anarchy and tyranny: for, beſides a fixed inclination to deſpotiſm, his impatience of ſlow and moderate meaſures prompted him to ſudden acts of outrage; and his favorites oppreſſed the people, while the indolence of the king abandoned the reins of juſtice; and his lenity to the bad was cruelty to the good. His ſceptre was ſo little ſtained with blood, that the future fate of his brother may excite doubt, or aſtoniſhment: yet oppreſſion may proceed by rapid, though ſilent, ſteps, while the fears and weakneſs of the ſovereign conſtrain him to ſhrink from ſanguinary violence[3].

After

[2] Stewart's Gen. 69. Crawf. Stuarts, 40. Buchanan ſays the children by Arran were born during his reſidence in the Burgundian dominions; and Paſton's praiſe above recited indicates his attachment to his wife. It ſeems probable that his death, and not a divorce, ſeparated them. Abercromby, II, 409—414, diſcuſſes this obſcure ſubject. That the princeſs wedded Hamilton in 1474 is evinced by the contract of marriage, among the charters of the duke of Hamilton, Abercr. II, 411; and by a grant of ſome lands to James lord Hamilton, and Mary the king's ſiſter his ſpouſe, 12 July 1474. Scotſt. Cal.

[3] Compare Ferrerius, f. v. 390, Lindſay, 115; Leſley's account of this reign, for, contrary to his uſual practice, he gives no general character. Buchanan, XII, 62, ſhews candour; and a lover of the arts would wiſh to apologize

After the condemnation of the Boyds, the parliament continued to ſit, and iſſued ſeveral ſtatutes[4]. The privileges of the church were confirmed, as not unuſual at the commencement of a reign. Among many acts of leſs importance, ſome deſerve particular notice. In order to prevent the frequency of murder and homicide, which, as the ſtatute declares, had of late become very common, it is decreed that every man-ſlayer, who flees to the ſanctuary, ſhall be brought out, and delivered to a trial by jury; that if the caſe be not accidental he may be put to death, no murderer having any legal claim to ſanctuary. By the writ, called a brief of diſtreſs, the property of the poor tenants was liable to ſeizure, for the debts of the landlord; an injuſtice which this parliament condemns, and declares that the tenants ſhall only be anſwerable to the amount of the rent due. Theſe acts, and others more minute, as that for the preſervation of ſalmon and trout, and that ordering regiſters to preſerve important writs, deſerve praiſe: but ſome there are of a different complexion, and which ſeem to contain the firſt germ of deſpotiſm ill underſtood. The election of aldermen, (afterwards called provoſts,) and baillies, is formally wreſted from the people of the burghs, upon pretence of avoiding annual clamours; and, by a ridiculous ariſtocracy, the old council of each burgh is to chuſe the new; and both united are to appoint the alderman, the baillies, and other officers. The inſtitution of the lords of the articles is loſt in 1469

apologize for the third James, their patron; and who fell, becauſe he loved and rewarded them to exceſs, while the proud ariſtocracy murmured to ſee artiſts for the firſt time ſhare their wealth and honours.

Drummond, 116, deſcribes James III as tall, his hair black, countenance oval and aduſt. The picture at Kenſington confirms theſe features, unlike thoſe of the family of Stuart; and which might weigh with the vulgar as an argument that he was ſpurious, as the malice of Albany pretended.

[4] Acts, f. v. 51—55.

the

1469 the darkneſs of the fourteenth century, and that innovation ſeems rather an ignorant, than a deſigned, attempt upon the liberties of the parliament, and of the nation. But the preſent was a flagrant infringement of the freedom of the people; and though the commiſſioners of the burghs were generally magiſtrates, who gained by the court, or by private intereſt, ſanctioned this meaſure, yet the nation ſaw it in a proper light, and the monarch ſoon became an object of public deteſtation. Another ſtatute of this parliament ſpeaks a new, and ſtrange, language; "it is thought proper that the court of parliament, juſtice's court, chamberlain's court, and *ſuch like* courts, which continue their ſeſſions, need not be continued from day to day; but that they be of the ſame force, until the time that they be diſſolved, the parliament by the king, the juſtice's court by the juſtice, the chamberlain's by the chamberlain, and ſo in other *ſuch like* courts." It is unneceſſary to add that the legiſlative aſſembly of the nation is here, for the firſt time, put upon the mean and dependent footing of a mere court of juſtice, exiſting by the royal pleaſure; and aſſimilated, in terms of contempt, with the inferior courts[5]. This novelty calls for a pauſe, to diſcover, if poſſible, the motives, and adviſers, of ſuch meaſures.

The youth of James, at this period, and the weakneſs he afterwards diſcovered, lead to a ſtrong ſuſpicion that ſome favorite miniſter, or miniſters, were the real authors of the deſpotic procedure, which, during this reign, diſguſted all orders of men. But ſo barren are ſtill our materials, concerning the internal government of the kingdom, that conjecture,

[5] Acts, f. v. 54, c. 46: *continued* is *prorogued, adjourned.* It is riſible to obſerve Guthrie, amid much wiſe diſcuſſion, paſs theſe acts in ſilence, IV, 107; while, at a loſs to find inſtances of the deſpotiſm aſcribed to this king, he interprets as ſuch, IV, 105, the fate of the Boyds, and the marriage of the king's ſiſter to Hamilton!

and

and probability muſt ſupply the defect of clear information. 1469
The power of the chancellor became, in this reign, yet more remarkable than at any prior period; and he now obtained the high diſtinction of a precedence next to that of the princes of royal blood[6]. In parliament he preſided, and directed the lords of the articles; and in fact the whole legiſlative body. This office during the far greater part of this reign, from 1460 to 1482, was filled by Andrew Stuart, lord Evandale, the natural ſon of Sir James Stuart, ſon of Murdac duke of Albany. It appears to be a novelty in our hiſtory that one ſo nearly connected with the royal family, eſpecially when Evandale and his brothers were legitimated by the king's mandate in 1472, ſhould hold this important office: and there is room to ſuſpect that Evandale ſacrificed his duty to the nation to the aggrandizement of the royal family, which he regarded as his own. Beſides this motive, other circumſtances conſpired to extend the prerogative during this reign, unhappily not upon the prudent plan, ſoon after to be followed by Henry VII of England, in depreſſing the nobles and raiſing the people; but upon that already eſtabliſhed by Louis XI of France, in cruſhing the ſpirit and freedom of the commons, with thoſe of the ariſtocracy. In Scotland the people never knew their own weight, and the government turned between ariſtocracy and deſpotiſm; the nobles and the king commonly forgetting the nation, which deſerved the neglect while it ſilently abandoned its awful claim. But till James VI acceded to the Engliſh throne, and left the Scotiſh nobles at a great diſtance, and in a degrading inferiority, deſpotiſm made but a ſlow progreſs in Scotland, and the chief evils aroſe from the ariſtocracy which prevented the progreſs of induſtry and civi-

[6] Dr. Gilbert Stuart on the Public Law and Conſtitution of Scotland, chap. iv, p. 32, edit. 1784.

1469 lization. Yet the conduct of James III ſeems to evince that the nation could have no reaſon to prefer the power of the king to that of the nobles; for the deſpot who preſcribed degrading laws, and expreſſed open contempt for the nation, repreſented in its legiſlative aſſembly, was yet more inimical than the ariſtocracy; which, even by its diſſenſions, maintained, in ſome degree, the freedom, the vital current of the nation. A chief motive of the arbitrary procedure of James III appears to have ariſen from the temporary humiliation of the nobility; who, though ſtill poſſeſſed of equal power, as they were after to ſhew in the impriſonment and ſlaughter of their ſovereign, yet were awed for a time by the ruinous examples of the houſes of Douglas and Boyd. The contemporary reign of Louis XI[7] ſeems alſo to have corrupted the counſels of James; for not only did the alliance with France introduce, at different times, many imitations of the French government and inſtitutions into Scotland, but James ſeems to have ſelected Louis for his particular model: yet as a man of abilities never imitates, ſo happily, in the preſent inſtance, abilities cannot be imitated. Crimes and faults may: and we behold Louis reflected, ſo to ſpeak, by James, in the heavy ſuſpicion of a brother's blood, in contempt of the nobility, and in the choice of low favorites, in an appearance of devotion, in attachment to aſtrology, in avarice, in a life of retirement and jealouſy, and in the love of arbitrary power. In their attention to ſome ſciences they were alſo ſimilar; and the patronage of Louis to an ingenious foreigner, Galeotus Martius, is rivalled by that of James to

[7] 1460—1482. Buchanan, XII, 62, adds the cruel example of Edward IV of England 1460—1483, and the ſucceeding one of Richard III. In fact James appears to have been more attached to England than to France: nor is there a renewal of the French league from 1448 till 1492 recorded in Du Tillet, or the MS. Leagues. But the politics of James were in conſtant fluctuation. See 1484.

another,

another, William Roger, the Engliſh compoſer of muſic[8]. 1469
But the ſucceſs of their political plans was very different. Louis, aſſiſted by chance and circumſtances, laid the laſting foundation of abſolute power, levelled the nobility, cruſhed the people; and by diſcontinuing the ſtates general annihilated national freedom. James wiſhed to eſtabliſh arbitrary government by the depreſſion of the nobles, and the people; and by converting the national council, which neither his abilities nor his power would permit him to diſcontinue, into a mere court: but he forgot that neither his revenue, nor his authority, correſponded with his deſigns; and fell a ſacrifice to the ariſtocracy, whoſe influence reſumed its former ſway. Theſe reflections have been excited by the importance of the ſubject; but their prolixity having already exceeded the intention, it is proper to return to the narration.

After a ſilent year in the Scotiſh annals, the firſt object, 1471
which arreſts attention, is another parliament, of which ſome 6 May
ordinances deſerve hiſtorical commemoration[9]. The ſtatute of the laſt parliament againſt murder is enforced, and enlarged; that crime being again declared to have become common. It is decreed, "conſidering the great poverty of the realm," that none ſhall wear ſilk, the importation being ſo expenſive, except knights, minſtrels, that is performers of muſic, and heralds, and thoſe worth one hundred pounds in the annual income of lands. Another ſtatute ſhews that the intereſts of the country began to be ſomewhat underſtood: it concerns the fiſheries, an object of repeated attention, and endeavours, for three centuries; and now, it is to be hoped, the ſucceſsful care of a patriotic ſociety. This remarkable act is conceived

[8] Mezeray, Abr. III, 350. Ferrerius, f. v. 390.
[9] Acts, f. 55.

1471 in theſe terms: "the lords[1] think expedient, for the common good of the realm, and the great importation of riches to be brought into the realm from other countries, that certain lords ſpiritual and temporal, and ſome burghs, cauſe equip large ſhips, buſſes, and other great pink-boats, with nets and all neceſſaries for fiſhing: the execution of this object, and the form, and number, to be conſidered at the prorogation of this parliament[2]." But the ſubject was not reſumed: and the ſcheme only excites a ſigh at the conſideration how eaſily nations are excited to war, or any ruinous project, and with what extreme difficulty any plan of public benefit is carried into execution. Another prudent ſtatute provides againſt the encroachments of the Roman church, now ariſing to ſuch enormity, as, in half a century, provoked the reformation, by prohibiting the clergy, under pain of treaſon, to procure any benefices from the court of Rome, not formerly held by the pope's diſpoſal; or to collect more money for the papal treaſury, than had been regulated by the antient taxation of Bagimont[3]. In this act the clergy's title to free election of their dignitaries is mentioned, and confirmed: but two years after we find that James deſpoiled the pope only for his own purpoſe, and cruſhed even this mean relict of freedom. The monks of Dunfermlin having choſen an abbot, the king probably won by a ſum of money recommended another to the pope, obtained his confirmation; and this new tyranny became inviolable cuſtom[4]. Among the ſecular clergy alſo the monarch uſurped the rights of the

[1] All members of parliament were denominated lords of parliament, as a commoner, or a private clergyman, if embaſſador, was ſtyled lord embaſſador. So Dr. Magnus in the time of James V. The cuſtom is ſtill retained in "lords of ſeſſion," "barons of the exchequer."

[2] Acts, f. v. 57, c. 60.

[3] Acts, f. 56. Leſley, 356, ridiculouſly dates the taxation of Bagimont in 1512, inſtead of 1275.

[4] Ferrerius, f. v. 392. Leſl. 317. Buch. XII. 22.

biſhops;

biſhops; and gave, or ſold, benefices to laymen, as well as abbacies and priories, a ſource of great national diſorder and diſcontent[5]. James was unconſcious of the weakneſs of an unſupported throne; and his wild deſpotiſm aſſailed all orders of men. 1471

Nevertheleſs the Scotiſh clergy now attained greater conſiſtence, and dignity, from the appointment of a primate. Patrick Graham, the ſucceſſor of Kennedy in the biſhopric of St. Andrews, obtained from the pontiff a bull erecting that ſee into an archbiſhopric: and to this new dignity he added the titles of papal nuntio, and legate *a latere*. Inſtead of congratulating their order upon this acceſſion of importance, and the kingdom upon the honour and advantage of a metropolitan ſee, at this period to be found in all the other chief ſtates of chriſtendom; and the want of which, as religion then ſtood, might bear a derogatory interpretation, and had induced and might induce the uſurping claims of the primates of York; a ſpirit of envy ſeized the Scotiſh clergy. By an offer of eleven thouſand marks, the biſhops excited James to oppoſe, and inſult, the archbiſhop: reciprocal intereſts, and abuſes, concurred to unite the king and the prelates againſt Graham, a man of worth and learning, who was impriſoned in the caſtle of Lochleven; where he died ſeven years after, in the vain enjoyment of his titles[6].

[5] Iidem ib. Leſley's invective againſt this odious novelty, by which the alms aſſigned to the poor were conſumed in the luxury of the rich, is emphatic. Even the proteſtant Buchanan murmurs high indignation.

[6] Ferrerius, f. v. 389. Leſley, 317. Compare Keith Biſhops, 20. Graham was the uterine brother of Kennedy. Stew. Gen. 62. Drummond, 81, imputes the origin of the enmity againſt him to the Boyds. Buchanan, XII, 33, 34, 35, gives a long detail of the perſecution of this venerable prelate, conducted by William Shevez, or Shevis, afterwards archbiſhop of St. Andrews, a favorite of James. The tale does honour to the hiſtorian's feelings; and brands the perſecutors with laſting infamy.

# BOOK VIII.

BEING

THE SECOND, AND LAST, PART OF

## THE REIGN OF JAMES III.

*Tranſactions with England and Burgundy—marriage treaty with Edward IV—commencement of Engliſh influence in Scotland—forfeiture of Roſs—parliament—character of Albany and Mar—Albany's eſcape—death of Mar—war with England—parliaments—Albany in England—Gloceſter's invaſion—plot—execution of the royal favourites—James confined—truce—deliverance of James—Albany's treaſon and flight—Margaret the king's ſiſter weds Crichton—parliament—Douglas a captive—negotiations with Richard III—impolicy of James—death of Margaret of Denmark—parliament—marriage indenture—confederacy againſt James—conflict at Blackneſs—battle at Sauchy—death of the king.*

1472 10 Mar. NOTHING memorable occurs, in the courſe of the enſuing year, except the birth of a prince, afterwards James IV [a]; and the continuation of the truce with England; the throne of Edward IV having at length been firmly eſta-

[a] Ferrer. f. v. 392. On the 8th April 1473, appears a grant to Moncrief, becauſe his wife, a Denſk (Daniſh) woman, brought the king tidings of the birth of a fair boy. Scotſt. Cal.

bliſhed

bliſhed by the death of Henry VI, and his ſon, that monarch 1472
reſolved to preſerve the pacification with Scotland, which had been ſomewhat interrupted by the mutual incurſions of the borderers, and other incidents. The commiſſioners of both nations having met, it was agreed that the long truce ſhould be ſtrictly obſerved; and proviſions were made againſt any infringement [2].

Charles the Raſh, duke of Burgundy, having engaged in war 1473
with Louis XI of France, ſent to requeſt the aid of England. Edward was willing to liſten to the demand; but expreſſed apprehenſions leſt the Scots ſhould in this caſe ſupport their French ally. To obviate this objection the Burgundian embaſſadors proceeded into Scotland; and, by gifts or promiſes, prevailed on James to agree to a ſpecific continuation of the Engliſh truce for two years, without prejudice of the long pacification [3].

[2] Rymer, XI, 758.

From Carmichael's Tracts, Edin. 1791, 4to, p. 50, it appears that, in a parliament of this year, James iſſued a ſingular order, that in future there ſhould be no double treſſure around his arms. It was certainly not underſtood at that time that this ornament alluded to the connection with France, for the ſame parliament granted 5000*l.* towards ſending 6000 men to France. Ib. See the tranſactions of 1474.

On the 28th Aug. 1472 a legitimation was granted to Andrew lord Evandale and Arthur and Walter his brothers. Scott. Cal. On the 13th Oct. appears a grant to *Jonet* counteſs of Douglas, *the king's couſin, widow of William earl of Douglas*; and another Jan. 1473. Ibid. This lady ſeems unknown to all our genealogiſts. The William ſlain in 1440 or 1452 muſt be implied.

[3] Rymer, XI, 772. The truce bears to be ſanctioned by James at the requeſt of Burgundy his ally.

One of the Paſton Letters, 16 April 1473, bears that the earl of Oxford was at Dieppe, and intended to proceed to Scotland with twelve ſhips. But the treaty prevented the deſign of this adherent of the late Henry, to aſſiſt James in invading Edward's dominions.

The

1474 9 May The ſtatutes of the next Scotiſh parliament are too minute for the notice of hiſtory; but the three eſtates deſired the king to form an alliance with the German emperor, by the means of his father-in-law, the ſovereign of Denmark: and at the ſame time requeſted that an embaſſy might be ſent into England, in order to obtain redreſs concerning the ſeizure of a large ſhip [4]. This veſſel was the noted St. Salvator, commonly called the Biſhop's Barge, having been conſtructed at the expence of biſhop Kennedy, as formerly mentioned. Remaining the property of the ſee of St. Andrews, this ſhip, freighted with valuable merchandize, on the account of the archbiſhop, (for in this, and the following century, the prelates and nobles in England and Scotland aſpired to commerce,) went aground near Bamborough. Some merchants, literary perſons, and other paſſengers, were drowned: the abbot of St. Colm, being captured by the Engliſh, was detained till a ranſom of eighty pounds was paid [5]. In the following year Edward IV ordered a partial compenſation of five hundred marks, with permiſſion to the Scots to ſue for any further redreſs in the courts of law [6].

Meanwhile a more important affair was in agitation between the courts of England and Scotland. Edward IV was aware of the arts by which Louis XI had endeavoured to fix the Scotiſh monarch in his intereſts; and reſolved to fruſtrate the deſign by the diſplay of ſuperior advantages. In 1472 the duke of Bretagne had accuſed Louis of inviting the Scots to aſſault that duchy, upon a promiſe of aſſigning it to James; a charge apparently well founded, for Louis had commiſſioned

[4] Acts, f. 58.
[5] Ferrerius, f. v. 392. Leſl. 316. Rymer, XI, 820.
[6] Rymer, XI, 850.

his

his envoy Concreſſault to perſuade the Scotiſh king to equip as many veſſels as he could, and engage troops from Denmark [7]. 1474
As the offer of Bretagne was a proof of the artifice of Louis, though too groſs to be attempted except with a young monarch, and unexperienced council; ſo the demand of a Scotiſh fleet was a mark of his ignorance, Scotland having no ſhips of war, and none to ſpare from her ſcanty commerce. On the other ſide, James appears not to have acted without duplicity; for while he conſented to the truce requeſted by England and Burgundy, he imparted their deſigns to Louis, and inſinuated that he could liſten to no propoſal inimical to the French alliance. At the ſame time he deſired permiſſion to paſs through France in a pilgrimage to Rome, a deſign which may have proceeded from the known ſuperſtition of James; but which rather ſeems, from the circumſtances, to have been founded upon the ſuppoſition that his abſence might excuſe the Scots from lending any aſſiſtance to France. Louis, in return, ſent Monipeny his chamberlain, to requeſt James not to leave his kingdom in the preſent conjuncture: and the advantages offered by England inducing the Scotiſh king to a deciſion in favor of that kingdom, the advice of Louis was followed, though not the motive [8].

[7] Duclos, II, 73, 75. Lobineau hiſt. de Bretagne, I, 716. The lords of Concreſſault were of Scotiſh extract. Torf. Orc. 185, has "Johannes de *Monizon*, dominus de Congreſſault," A. D. 1460. Monipeny? See 1424.

[8] Duclos, II, 146: his work is compoſed from the beſt original documents. Even in July 1473 James deſigned to paſs to France, and many arrangements were made in parliament. Records in Carm. Tracts, p. 52. The intention of a pilgrimage to the holy land alſo occupied the more vigorous mind of James IV. The violent deaths of prince David, of James I, and II, ſeem to have impreſſed their ſucceſſors with an idea, that the divine wrath impended over the family, and that an expiation was due. But it is impoſſible to account for the dreams of a ſuperſtitious age.

1474 To counteract the arts of France, and to fix the wavering reſolution of James, the Engliſh monarch entered into a treaty with Scotland, upon a more ſolid foundation. The Scotiſh embaſſadors, who had entered England in July [9], returned to Edinburgh in October, accompanied by the biſhop of Durham, Lord Scrope, and two other Engliſh commiſſioners; who having met with the biſhops of Glaſgow and Orkney, the earls of Argyle and Crawford, and others appointed on the part of Scotland, eſtabliſhed an alliance upon the following
1603. terms. 1. That in order to promote the wealth, peace, honour, and intereſt, of *this noble iſle callit Gret Britane*, a marriage ſhall be contracted between James the prince of Scotland, and Cecilia youngeſt daughter of Edward IV, both in early infancy. 2. That the truce of fifty four years, extending till 1519, ſhall remain in full force. 3. That, during the truce, both monarchs ſhall aſſiſt each other againſt rebels, if required. 4. That the prince being only two years of age, and the bride four, the kings ſhall ſolemnly engage to accompliſh the marriage in due time. 5. That the prince and princeſs ſhall, during the life of James, enjoy the uſual lands of the heir of Scotland, being the dukedom of Rothſay, the earldom of Carric, and the lordſhips called the Stuart-lands. 6. That Edward ſhall give with his daughter the ſum of twenty thouſand marks ſterling, (now equivalent to about one hundred and forty thouſand pounds,) of which two thouſand ſhall be paid yearly in the pariſh church of St. Giles at Edinburgh; the firſt payment to be made on the ſecond day of February next 1475. And laſtly, it was agreed that in caſe of the death of the prince, or princeſs, the heir of Scotland ſhould marry a daughter of England, upon the ſame terms; otherwiſe all the

[9] Rymer, XI, 814.

ſums

ſums advanced ſhall be repaid within four years, except the 1474
ſum of two thouſand five hundred marks, which Edward agrees to abandon in conſideration of the intended amity [1].

Such was this memorable treaty, which, had it been obſerved, might have proved highly advantageous to both kingdoms; and in particular might have ſaved Scotland from the loſs of Berwick, and from the ruinous battle at Flodden. The annual payments of Cecilia's portion may be regarded as a ſubſidy of importance, amounting as may be conjectured, to an increaſe of nearly one third in the royal revenue of Scotland; and the Engliſh policy in this advanced mode of diſburſement ſeems aſſumed in order to ſecure the continuance of the Scotiſh amity. A lively writer has obſerved that a poor ſtate, which is adjacent to a wealthy, muſt, in the natural courſe of human affairs, expect to be ruled by the money of her neighbour [2]; and when we behold Sparta in the pay of Perſia, overturning the liberties of Greece, during the Peloponneſian war, we need not ſigh at the compariſon of ancient and modern virtue. Taught by the example of France, which diſburſed regular penſions to Edward and his courtiers [3], England ſeems now, for the firſt time, to have laid down a ſcheme of policy concerning Scotland, which was afterwards to be reſumed, and continued, with ſucceſs, till the acceſſion of James VI to the Engliſh ſceptre. Reſolving to rival, or exceed, France in pecuniary gratifications, England found gold more powerful than ſteel, in fixing the fidelity of her northern neighbour; while Scotland muſt find an excuſe in her penury, and in the general defects of human nature, for expoſing her fidelity to

[1] Rymer, XI, 824—832.

[2] Voltaire Hiſt. Gen. ſpeaking of Scotland, A. D. 1559.

[3] Duclos, II, 185. Edward's penſion was 50,000 crowns. The others amounted to 16,000: Haſtings had 2000. Ibid. 190. Hall's chronicle, 235.

1474 the mutual temptations of French and Engliſh ſubſidies. Nor muſt it be forgotten that the moſt able politician might have been perplexed in the deciſion, whether the connection with England, or that with France, would moſt advance the honour and intereſt of Scotland; ſo that no blame of treaſon to their country can reſt with the receivers of the gold of either kingdom.

1475 The treaty, which Edward IV had entered into, had been negotiated at Edinburgh, a mark of friendſhip before unknown between the countries, as the Engliſh monarchs, from precedency of rank, had ever inſiſted on the negotiations being conducted in their own kingdom. To maintain the new in-
April tercourſe with Scotland, Edward ſent Dr. Alexander Legh, his almoner, on an embaſſy to that country. He was inſtructed to give complete redreſs to the Admiral of Scotland, for a ſhip fitted out by James himſelf, which, by a ſingular chance, had been captured by the May-flower, a veſſel belonging to Richard duke of Glouceſter [4].

Having ſecured the friendſhip, or forbearance, of Scotland,
July Edward paſſed into France with his army; but, being overcome by the money and the wines of that kingdom, he yielded to the arts of Louis XI, and withdrew inglorious [5].

[4] After a long interval, 1436—1475, it is with pleaſure that original papers are quoted. The inſtructions to Legh occur. Veſp. C. XVI, f. 118, and as they mention that Edward was about to paſs (to France), and the Monday following aſcenſion day as the 8th May, the date 1475 is evinced. The ſhip is called the king's own *carweille*, (carvel, veſſel:) and was taken near the iſle of *Cageant*. Legh was alſo to give redreſs for a ſhip belonging to the *lard* of Luf (Luſs?), which had been captured by lord Grey. Commerce was thus conducted by the great, a ſingular feature of national manners: the expreſſion of Iſaiah may be uſed in an inverſe ſenſe, "whoſe merchants are princes, whoſe traffickers are the honourable of the earth." The name of the Scotiſh admiral is unluckily not mentioned. Spens or Wood?

[5] Comines, IV, 5, 10. Duclos, II, 178—195. Hall, 227—235.

The

The parliament, which was prevented from meeting in September by ſome appearances of the peſtilence, having at length aſſembled at Edinburgh in November, iſſued ſeveral unimportant regulations, chiefly concerning the coin[6]. A clauſe in the late treaty with England bearing that neither monarch ſhould aſſiſt rebels, and the king's inſular power being enlarged by the acquiſition of the Orkneys, it was reſolved to proceed vigorouſly againſt John, the earl of Roſs and lord of the Iſles, who had ſupported Douglas and his brothers in their grand rebellion, had in 1462 entered into engagements with England, and whoſe conduct merited chaſtiſement. Accordingly having neglected to appear when ſummoned, a ſentence of forfeiture was pronounced againſt him[7]. As ſoon as the ſeaſon of the year permitted, a force was collected to execute the ſentence. Some veſſels being aſſembled on the north of the river Forth, the earl of Crawford was appointed admiral, and the earl of Athole general. Roſs, alarmed at this effectual preparation, was induced to ſubmiſſion by Athole's interceſſion, which the king rewarded by the gift of the lands of Cluny. In the enſuing parliament the rebellious earl appeared, and ſubmitted to the royal will: Roſs was withdrawn from his power, and annexed for ever to the domains of the crown, with liberty nevertheleſs to the ſovereigns to grant that extenſive earldom to their ſecond ſons. The title of Lord of the Iſles was confirmed in conſequence of his ſubmiſſion, and engagement to maintain the laws of the kingdom. But

1475

1 Dec.

1476

May

July

[6] Acts, f. 61. Ferrerius, f. 393. Leſl. 318.

[7] See the execution of the ſummons, 16 Oct. in Carm. Tracts, p. 52. The points of treaſon are ſeven: 1. Connections with England, 2. With Douglas, 3. Giving ſafe conducts to Engliſhmen, 4. Uſurping royal authority, 5. And power of life and death over the ſubjects, 6. Seizing Rothſay in Bute, 7. Ravaging Bute. He was ſummoned at his caſtle of Dingwall in Roſs. For the forfeiture ſee Carm. 54.

Knapdale

1476 Knapdale and Kintyre, forming a cherſoneſe in the weſtern ſea, were alſo withdrawn from his authority, with the caſtles of Inverneſs and Nairn. The earldom of Roſs though claimed, or held, by the lords of the Iſles, Donald and Alexander, the grandfather and father of John, from nearly the commencement of this century, it was yet no violent ſtretch of power to reſume from hereditary foes of Scotland [8].

In the ſame parliament, the king, who had now attained his twenty-fifth year, a period to which the civil law annexed the title of complete majority, ſolemnly revoked all alienations, or gifts prejudicial to his crown, or to his heirs; and, among others, the cuſtody of his caſtles, otherwiſe than during pleaſure, eſpecially thoſe which formed the keys of the kingdom [9].

1477 The third, and laſt payment of the portion of Cecilia which Edward IV thought proper to make, was duly performed [1]; but a change of political views was ſpeedily to terminate this plan of pacification.

6 Aug. Of the next national council the chief ſtatute concerns the importation of proviſions. The congregated wiſdom of the nation is not aſhamed to declare, that proviſions being uſually very ſcarce, the chief ſupport of the realm lay in the hands of ſtrangers, who import them from various countries; and who are of courſe intitled to a favourable and honourable reception. Any reſtriction, or impoſition, is therefore withdrawn; and it is ordered that after the foreign proviſions are entered in the *tolbooth*, or guildhall, the king, and lords of the council, ſhall have the choice at the market price; and the remainder ſhall

[8] The reſtitution itſelf in Scotſt. Cal. 15 July 1476, from which correct Ferrerius, f. v. 393, Leſley, 318, Buch. XII, 36. See Acts, f. 62, c. 87. Carm. Tracts, 56. In the parliament of 1471 Albany appears, ib. 51; in this of 1476 Albany and Mar his younger brother, 55.

[9] Acts, f. 62. [1] Rymer, XII, 41.

be

be open to general ſale [2]. The ſtate of the kingdom may be better diſcerned by this ſtatute, than by volumes of declamation: and it is almoſt unneceſſary to add that this want of common induſtry led to a gradual increaſe of impoveriſhment; for Scotland poſſeſſed not, like ancient Athens, or modern Holland, commerce, arts, and manufactures far more than ſufficient to counterbalance the great diſadvantage of acquiring ſubſiſtence by foreign purchaſe. 1477

This parliament alſo decreed that an embaſſy ſhould be ſent to the duke of Burgundy, at the expence of the burghs, to confirm and renew the alliance formerly contracted, and to obtain a ratification, and if poſſible an enlargement of the immunities granted to Scotiſh merchants, and a redreſs of any damages [3]. This potent prince had ſent conciliating letters to the Scotiſh court, as the act expreſſes: but could the parliament be yet ignorant that the dead body of Burgundy had been trampled into the ice and mud, before Nanci, on the fifth of January; and that Mary his only daughter was unmarried, not having united thoſe wide territories to the houſe of Auſtria, by her marriage with Maximilian, till the eighteenth of Auguſt? But it is probable that the parliament ſat a conſiderable time; and that the latter may be the duke mentioned. An embaſſy into England is alſo ordered, to negotiate another marriage-treaty with the royal houſe of that kingdom [4].

But Edward again ſent Legh as his embaſſador into Scotland, with inſtructions to repreſent that the marriages propoſed by James, between his ſiſter Margaret and the duke of Clarence, and between Albany and the ducheſs of Burgundy, widow of Charles the Raſh and ſiſter of Edward, could not be then negotiated, as her year of mourning was not expired [5].

[2] Acts, f. v. 63, c. 91. [3] Ibid. f. 63. [4] Ibid.
[5] O. letter Edward to Legh, Veſp. C. XVI, f. 121.

The

1478 The ſuperſtition of James now ſuggeſted a deſire to viſit the
17 March ſhrine of St. John at Amiens, and Edward granted a ſafe conduct for his paſſage through England, with a thouſand attendants, for that purpoſe; not omitting his earneſt deſire to confer with the Scotiſh king [6]. Yet the journey was deferred: and James was contented with ſtriking a large medal of gold, which he ſent to be appended to the ſhrine [7].

The freſh diſputes between England and Scotland appear to have originated in this, or the preceding year; but their cauſe has not been accurately explained. The death of the duke of Burgundy, which changed the views of France and England, ſeems to have been the chief ſource of this alteration. Louis XI having been delivered from this dreadful foe, and having ſecured himſelf from the enmity of Edward IV by a truce for their lives, by the punctual remiſſion of penſions to the Engliſh king and court, and by flattering Edward with the marriage of the dauphin to Elizabeth his eldeſt daughter, there was reaſon to expect a laſting peace between their kingdoms [8]. In conſequence, Edward, whoſe temporary fears, and intereſt, had alone formed the treaty with Scotland, and whoſe only deſires were money and luxury, began to regret the annual diſburſements, and to wiſh for another war as a pretext of raiſing money for his pleaſures and profuſion. But their ſacrifice of the French alliance, and their inteſtine commotions, prevented the Scots from haſtening into an open enmity with England.

The reign of James had hitherto been ſucceſsful; and fortune had ſhowered favours upon him, which to his wiſer predeceſſors had been denied. The acquiſition of Roxburgh,

[6] Rymer, XII, 53.

[7] Du Cange Traité hiſt. du chef de St. Jean, Paris 1665, 4to, p. 128.

[8] Duclos, II, 275, 283, 300.

Berwick,

Berwick, the Orkneys, and Shetland; the honourable mar- 1478
riage treaty with England, the reſumption of the earldom of
Roſs, were ſplendid events, which prevented the eruption of public diſcontent at many new and arbitrary meaſures. But James had provoked deep and inveterate hatred; and, having no ſtanding army, could not rule by fear alone. A great alteration is now to take place; imprudence is to incur the uſual deſtiny: and a thick cloud of crimes, and misfortunes, is to darken the ſucceeding years of this reign.

The character of James was ſtrongly contraſted by thoſe of his brothers, Alexander duke of Albany, and John earl of Mar. While the king, in ſolitary retirement, indulged his favourite ſtudies of muſic, architecture, and aſtrology, he forgot the duties, amid the idle amuſements, of a monarch. The nobles, in the feudal ages, ſeldom viſiting the court, except upon occaſions of buſineſs, or high feſtivals, and being ignorant of the arts in which James delighted, he had recourſe to the converſation of thoſe who excelled in them; but forgot the majeſty of the ſovereign ſo far as to make companions and favorites of men of mean origin; imitating Louis XI who had raiſed his barber Oliver le Dain to great wealth, and high dignities; but a ſtranger to the ſtanding army, large revenue, and other reſources, which enabled that king to cruſh the lofty, and exalt the humble. Cochran a maſon or architect, and Rogers the Engliſh maſter of muſic, were reſpectable names among the favourites of the Scotiſh king, when followed by thoſe of Leonard a ſmith, Hommil a taylor, and Torphichan a fencing maſter[9]. The contempt and indignation of the nobility were extreme, when they beheld the public favour of the ſovereign to thoſe minions, joined with a pointed neglect of their haughty order.

[9] Ferrer. f. 395.

1478 Albany was a ſenſible and ſpirited prince, fond of martial exerciſes, of fine horſes, and of attendants tall and vigorous. In perſon he was of a middle ſtature, ſtrong, and well proportioned: his broad ſhoulders, and blooming yet ſtern countenance, engaged the praiſe of a martial age: and his known courage, if we believe an hiſtorian, was the only cauſe why the nobles did not rebel againſt James, while he lived in amity with this brother [1]. Mar added ſuperior ſtature to youth, beauty, and elegance of perſon: his gentle manners won every heart; nor did he yield to his brother in the favourite exerciſes of the nobility, or in his attention to the breed of his war-horſes: and in hunting, hawking, and every knightly paſtime, his ſkill and grace were admired [2].

The wardenſhip of the eaſtern marches had been aſſigned to Albany, for life, by his father James II; to which the honours of governor of Berwick, and lord lieutenant of the borders, had been added. From his father he alſo derived the earldom of March, and its ſtrong caſtle of Dunbar [3]. If we credit Lindſay, who ſomewhat depraves his information by repreſenting Alexander lord Home as chamberlain ſince the reign of James II, while he held not that office till the commencement of that of James IV, a violent enmity had taken place between Albany, and the Homes and Hepburns, whoſe eſtates lay contiguous to his earldom of March. In order to ruin Albany, his enemies applied to Cochran, who reſented that prince's contempt, while he dreaded his power: this favourite knowing the weak part of his ſovereign's character, procured a witch to pronounce to James, that he ſhould be ſlain by one of his neareſt kindred; and his children being infants, the ſuſpicion fell upon his brothers, and led to their ruin. Buchanan im-

[1] Lindſay, 114, 115. [2] Id. 115. [3] Ibid. The act of forfeiture, &c.

putes

putes the king's enmity againſt his brothers to a propheſy of Andrew, a Flemiſh aſtrologer, and favorite of James, that in Scotland a lion ſhould be devoured by his whelps; which, if a real prediction, was ſingular in its accompliſhment: but the account of Lindſay is more probable, as the latter emblem could not point to brothers. From the account of Ferrerius, which is the moſt ancient, it appears that Mar was accuſed of uſing magical arts againſt the king's life [4]. In our choice of weak motives, we are however left certain that the tyranny of James was ſtrong: nor is there the ſmalleſt reaſon to infer from the baſe treaty made with Edward IV by Albany in 1482, and to which he was driven by deſpair and reſentment, that he now entertained any diſloyal deſigns; far leſs any intercourſe with England [5], which kingdom he did not viſit till three years after his eſcape to France; and even then was induced by the ſpecial invitation, and intereſted views, of Edward. It is however not improbable that Albany and Mar, having alſo encountered the king's indifference, ſhared the reſentments of the nobles, and with them conſpired againſt the royal favourites, who had ſufficient intereſt and addreſs to confound their ſafety with that of the government. Amid the darkneſs which attends the commiſſion of crimes, it belongs to candour, and reaſon, to infer a motive ſtrong enough to blunt the feelings, and corrupt the heart, for human depravity cannot at once proceed to the utmoſt degree: but when we ſpeak of the 1478

[4] Lindſay, 116, 117. Buch. XII, 37. Ferrer. f. v. 393, followed by Leſley 320.

[5] Could any connections between Albany Mar and England be diſcovered, preceding 1479, they might vindicate James; for certain it is that Albany afterwards branded the king as a baſtard, (ſee letters of Dacre in the reign of James V,) and openly aſſumed the royal title. It is remarkable that the peers, in 1488, never objected the death of Mar, or exile of Albany, to James.

1478 "good old times," let us reflect that the three contemporary ſovereigns of France, England, and Scotland, were all ſtained with a brother's blood.

1479 However obſcure the origin of the tempeſt might be, its effects were apparent and dreadful. Mar was ſeized by the king's command, and confined a cloſe priſoner in the caſtle of Craigmillar, near Edinburgh. Albany was committed to Edinburgh caſtle; and Evandale the chancellor was ſent to beſiege his fortreſs of Dunbar, which ſoon yielded, the garriſon withdrawing in boats to the Engliſh coaſt [6].

As the deſpotic temper of the king was certain, his fraternal affections dubious, Albany thought proper, after a confinement of ſome duration, to contrive means of eſcape. Either by concert, or chance, a French veſſel arrived in the Forth, and anchored near Newhaven, a ſmall and little frequented port to the weſt of Leith, and of ſhort and eaſy acceſs from Edinburgh. The captain, either in the plot before, or now gained by Albany's emiſſaries, pretended that his cargo conſiſted of excellent wines; and ſent to the caſtle to requeſt the duke to honour him by the firſt choice. Two ſmall caſks of malmſey, then a favourite wine, were ordered: and the captain in one of them concealed a roll of wax, incloſing a paper of intelligence and directions; while the other conveyed a long rope, the mean of deliverance. As the duke's meſſenger was

[6] The accounts of Ferrerius and Lindſay are ſingularly confuſed. The former dates the flight of Albany to France in 1471! The latter blends events, and periods, totally diſtinct. Leſley and Buchanan are more accurate. At the ſiege of Dunbar, the *lairds* of Luſs, and Craigy-wallace, and Shaw of Sauchie, loyaliſts, were ſlain by one cannon-ſhot. Leſl. 319. The names of the defenders, who were convicted of treaſon, 3 Oct. 1479, may be ſeen in Carm. Tracts, 61. The forfeiture of Orkney, father-in-law of Albany, and Sir James Liddel, Abercr. II, 429, ſeems known only to that inaccurate author. See 1483 for the origin of his error.

a con-

a confidential domeſtic of tried fidelity, he was intruſted with 1479
the ſecret, and ſerved his maſter's deſign with zeal. After
ſupper the commander of the fortreſs went to the king's apart-
ment to receive his orders, James lodging in the caſtle at the
time; and having ordered the gates to be ſhut, and ſet the
watch, he returned by appointment to Albany's chamber, to
enjoy a collation and wine. The duke and his ſervant were
abſtemious, while they artfully engaged the commander, and
three of the garriſon who guarded the priſoner, in repeated
draughts of intoxication. Secure in their ſleep, or in their
death, for according to ſome accounts the odious gueſts were
ſlain, Albany and his domeſtic proceeded to a retired part of
the wall, concealed from the view of the watch; and the rope
being fixed, and let down, the ſervant firſt explored the dan-
gerous height: but from the ſhortneſs of the rope, fell, and
broke his thigh: the duke guarded againſt the ſame fate, by
increaſing the length with the torn ſheets of his bed, and de-
ſcending ſafely, firſt carried his faithful domeſtic on his back
to a place of ſecurity; and then proceeding to Newhaven made
the ſignal appointed, and was received on board the ſhip, which
immediately ſailed for France. The king was ſo much ſur-
prized at this eſcape, almoſt from his own preſence, that he
would not yield to conviction, till he had himſelf examined the
priſoner's apartment, and ſeen the ſpot and inſtrument of his
flight. Vain orders were given to ſearch the caſtle, and ſend
out horſemen on all ſides, with promiſes of high reward, be-
fore the truth was diſcovered [7].

Albany

[7] Ferrerius and Leſley are contented with mentioning, and both unchronologically, the flight of Albany to France. Buchanan XII, 39, details the eſcape from the caſtle; and Lindſay, 132—135, is agreeably circumſtantial, but, like moſt writers of anecdotes, is inaccurate. He ſuppoſes Albany to have fled to England

1479 Albany having arrived in France went to Paris, where he was honourably received: Gaucourt in the king's name, and the magiſtrates and council of the city, awaiting on the road with congratulations. Louis ordered Monipeny and Concreſſault, Scotiſhmen of rank, to attend the duke; and his expences were defrayed by the royal favour, but his train not exceeding twelve perſons there was no great room for munificence [8].

A different fate awaited Mar, who, inſtead of an open trial by his peers, encountered a private condemnation by the king's domeſtic council, apparently conſiſting of Cochran and the other minions [9]. The unfortunate youth was afterwards brought from Craigmillar to the Canongate of Edinburgh, where a vein was cut, and he was allowed to bleed to death; an eaſy mode of extinction, preferred by the philoſophy of Seneca, and the luxury of Petronius [1]. Several perſons of both ſexes

England in 1479, and to have perſuaded Edward to ſend an army in 1481, to deliver James from his peers. James thus reconciled became afterwards jealous of Albany, and impriſoned him in the caſtle of Edinburgh, whence he eſcaped to France in the manner mentioned in the text in 1483. A ſtrange perverſion! In 1479 Albany paſſed to France; in 1483 to England. Leſley is the only writer of our hiſtory, who knows *a little, a very little,* of chronology. The brief chronicle at the end of Winton, MS. Reg. 17 DXX, rightly dates the flight of Albany to France in 1479.

[8] Chronique Scandaleuſe, written by a contemporary, at the end of Comines, ed. 1706, at the year 1479, p. 257. Albany was lodged "en la rue Sainct Martin, a l'enſeigne du coq:" his train was "de dix a doux chevaux." Ib. 258. Compare the accurate Duclos II, 370, 371, who dates the arrival of Albany in Paris, "s'etant ſauvé d'un chateau, ou le roi ſon frere le retenoit priſonnier," about the month of September 1479. He was forfeited 4 Oct. 1479. Carm. Tracts, 61, 62.

[9] Ferrer. f. v. 393. Buch. XII, 38. Nor does any veſtige of an open trial appear on the records.

[1] Ferrerius, ib. "ſciſſa quadam vena, *ad mortem uſque effudit ſanguinem.*" Buch. XII, 38, "vena reſciſſa, *mori eſt coactus.*" Leſley is as vague as Ferrerius.

ſexes were, at the ſame time, condemned and executed, for 1479
conſpiring in the pretended magical practiſes of Mar againſt
the king's life [a].

The wars between England and Scotland now begin to be 1480
more unfrequent, and upon this account to deſerve greater attention: that which now commenced is the moſt memorable, ſince the battle of Sark, a ſpace of more than thirty years: and ſimilar diſtances divide the preſent contention, the battle of Flodden, and that of Pinkie. The great inequality of the conteſt is matter of glory to the ſmaller ſtate, which unhappily

rerius. Lindſay, 119, "murdered and ſlain in the Canongate, in a bathing-vat." The contemporary chronicle, at the end of Winton, ſays at 1479 that many witches and *warlochs* were burnt; and that Mar was SLAIN, becauſe he favoured the witches and *warlochs*, (magicians.) Almoſt the only new and remarkable paſſage in Drummond of Hawthornden's hiſtory is, that Mar being ſeized with fever and frenzy, was put into a bath, and ſome veins opened for his cure; but he died through his own rage, or the neglect of the attendants. For this he quotes "B. W. E. who was living in that time, and whoſe records we have followed," p. 91, ed. 1655, certainly biſhop William Elphinſton, as Aberer. II, 429, and other writers infer. With reverence to Drummond's genius, and love of truth, arguments ariſe that he was here impoſed on by ſome careleſs or deſigning antiquary. 1. The hiſtory aſcribed to Elphinſton is extant in the Bodleian library, (the very copy uſed by Drummond, as appears from Craw. Off. 52,) and only extends to the death of James I, 1437. 2. Had Drummond uſed Elphinſton's hiſtory of James II and III, (a great deſideratum in our literature,) he muſt have enriched his pages with new facts, inſtead of tranſcribing, as he does, Boyce, Ferrerius, Leſley, Buchanan. 3. The cure was new, and probably unknown in that or any age. 4. It was indiſpenſable to the king's reputation to inſtitute open informations, concerning the cauſes of his brother's death. 5. Granting the evidence, Elphinſton's teſtimony would in itſelf be highly objectionable, he being the friend of Shevis, and the favourite of James III, to whom he owed his preferments. Keith, Biſhops, 68, 69.

[a] Ferrer. f. v. 393. Leſl. 320.—Buchanan XII, 38, ſays twelve witches were burnt. They were accuſed of conſuming a waxen image before a fire, to affect the king's health by magic: the puniſhment is juſtified by the *deſign*, and by the belief of the times. This is, it is believed, the firſt puniſhment of witches in Scotland.

either

1480 either declined, or was ſtationary, in wealth, and power; while the other was rapidly progreſſive. Henceforth defeated in every great conteſt, the ſpirit of Scotland remained unimpaired; and while her ſoldiers knew not the name of fear, they might execrate the caprice of chance, and the want of military ſkill, patience, and genius, in their leaders. The hiſtorian of the houſe of Douglas heſitates not to pronounce that, ſince the fall of that family, Scotland has performed few deeds of arms [3]: many of that illuſtrious progeny were indeed *born* generals, and the deficiency of ſuch ſingular genius, which depends upon great and prompt faculties, cool intuition, and a kind of preſcience, and to which the impetuoſity of the national character is highly adverſe, was repeatedly felt by this warlike kingdom.

If it be often dubious, even in modern times, which of two warring nations was the aggreſſor, a ſuperior certainty is not to be expected in remote ages. Some aſſert that Edward IV was the author of hoſtilities; while others affirm that Louis XI excited the Scotiſh king to arms. The latter opinion might be ſupported by the treaty, which was entered into, in the end of the year 1479, between Edward IV and the dukes of Auſtria and Bretagne, the foes of Louis [4]: but as the French monarch pretended ignorance of that tranſaction, and continued to pay Edward's penſion, and to cultivate his amity, dreading leſt he ſhould openly aſſiſt the Flemings, with whom the French were at war, it does not ſeem probable that he ſhould wiſh, by inciting the Scots to arms, to provoke the decided enmity of England. A diverſion of a part of Edward's force was all that could have been gained; while the practices of Louis might have been puniſhed by the remainder. Other arguments againſt

[3] Hume's Dougl. I, 384. [4] Duclos, II, 374.

this

this ſuppoſition ariſe from the ſilence of Comines, that great contemporary, and other French writers, concerning this war, or any part taken by Louis in its provocation; and from the reception of Albany in France, which argues no friendſhip between Louis and James: the truce of fifty-four years, and the marriage treaty with England, having conſiderably impaired the connection between France and Scotland. On the other hand, as is before obſerved, it is certain that in 1478 Edward, by diſcontinuing the payment of Cecilia's portion, had infringed the amity with Scotland, whoſe reſentment had only been ſuppreſſed by the commotions in the royal family, and by the long diſuſe of war. But to guard againſt any hoſtile intention of the Scots, Edward, on the twelfth day of May 1480, had named his brother Richard duke of Gloceſter, the future uſurper, lieutenant-general of the North, and appointed him to lead an army againſt his inveterate enemy the Scotiſh king; whom he accuſes of an intention to violate the truce, and enter the Engliſh territories, "in contempt of his own fame [5]." But in the fame of crimes Edward and James were equal; and to that of virtues their pretenſions were ſimilar. Some incurſions having been made by the Scots, Edward, on the twentieth of June following, commanded his array to be in readineſs: yet no important hoſtility followed, till the enſuing year. 1480

[5] Rymer, XII, 115, "Spreta ipſius nominis, omniſque nobilitatis, fama." It is riſible to obſerve the ignorance of Abercromby, II, 434, and Granger, (Maitland's hiſt. II, 682,) who ſuppoſe the term *nobilitas*, (nobleneſs of mind, honour,) to apply in a modern ſenſe to the Scotiſh *nobility*; and ſagely infer that Edward was no ſtranger to the diſcontents of the Scotiſh nobles!

Abercromby, II, 434, unchronologically places a ſiege of Berwick in this year, which Leſley, 321, dates 1481, Ferrerius, 394, in 1482. The chronicle at the end of Winton ſays that, in 1480, Angus burned Bamborough, and remained three days in England.

1481 In his averſion for war James ſent a herald to the Engliſh court, offering to redreſs any infringements of the truce committed by his ſubjects, provided that Edward would condeſcend to the ſame terms: but the herald was diſmiſſed without anſwer, a circumſtance which of itſelf fixes the violation upon Edward [6]. Louis XI having fallen into the malady, which in two years terminated his exiſtence, Edward had entered into an active alliance with Maximilian duke of Auſtria, who engaged to pay him a penſion equal to that allowed by Louis; ſo that the Engliſh king was now at liberty to purſue his own
2 March meaſures [7]. Accordingly he ordered preparations to be made for the march of his army to the frontiers [8]; and from the writs it ſeems that a ſiege was propoſed, which it is reaſonable to infer was to be directed againſt Berwick, the loſs of which was not a little regretted by the Engliſh.

2 April To provide againſt the deſigns of the enemy, a parliament was aſſembled; the ſtatutes of which, and of ſome in preceding reigns, leave it doubtful whether the right of peace and war was conceived to belong to the king, or to the national council; but in thoſe ignorant ages no political department was properly divided or underſtood. Yet the fears, and conſcious unpopularity, of James induced him to deſert his deſpotiſm on this occaſion, and to ſubmit much to the deliberations of parliament. Beſides regulations concerning the length of ſpears, and nature of defenſive armour, all perſons aſſembling to the army are prohibited, on ſevere penalties, to commit any damage, or ſpoil, in the Scotiſh dominions; and the caſtles on the borders, and eaſtern coaſt, are ordered to be repaired, and provided with garriſons, and proviſion [9].

[6] Acts, 1481, f. v. 65. [7] Rymer, XII, 126, 127. [8] Ibid. 140.
[9] Acts, f. 65. A tax of 7000 marks was granted, to victual Berwick for forty days. Carm. Tracts, 65.

The

The campaign nevertheleſs ended with little glory, or ad- 1481
vantage, to either ſide. About ſixty Scotiſh hamlets were burnt by the incurſions of the Engliſh; and the fleet of Edward, entering the Forth, captured eight veſſels, and gave to the flames the village of Blackneſs and another ſhip which lay there; after which actions it regained its native ſhores[1]. The Scotiſh borderers carried deſtruction into England: and the Engliſh fleet returned, but found the coaſts ſo well guarded, that the latter expedition was ineffectual[2]. Andrew Wood of Leith, in particular, ſhewed diſtinguiſhed courage in the maritime ſervice[3]. Meanwhile Edward entered into a treaty with the lord of the Iſles, whoſe misfortunes had not taught him prudence, and who followed the hereditary conduct of his family, ſince the invaſion of Edward I, and which was to be continued to the reign of Edward VI[4]. It is ſaid that James led his army into England, but was met by the papal legate, who denounced a peace among the potentates of the weſt, in order to oppoſe the Turks, who in the preceding year had taken Otranto, and alarmed all Italy: upon which the king returned, and diſmiſſed his army, while Edward little regarded the pontifical mandate[5]. This is highly probable in point of chronology; but as a ſimilar

[1] Ferrerius, 394. Leſley, 320, 321. Rymer, XII, 139, has publiſhed ſome naval commiſſions of Edward, 15 Feb. 1481.

[2] Ferrer. ib. [3] Grant to him, March 1483. Scotſt. Cal.

[4] Rymer, XII, 140; a power to treat with the lord of the iſles and Donald Gorme, 22 June. This peer, and a prieſt named Rait, (for in old records *ſir* almoſt univerſally implies a prieſt, while the *knight* is put after the name,) are mentioned in the acts of parliament, f. 64, as having withdrawn into England about 1477. Yet in Aug. 1481, occurs a large grant to John of Ilay, lord of the iſles, for good ſervices. Scotſt. Cal.

[5] Ferrerius, 394, Leſley, 321. They ludicrouſly introduce the lord of the iſles, as a mighty leader in the army of James! Had they called him Donald, the continuation of Boyce's fund of fable would have been yet more ſingular.

1481 event occurs in a preceding reign, it is difficult to believe the repeated ſucceſs of the ſame ſtratagem; and the ſiege of Berwick not being attempted by the Engliſh, it may ſeem that the royal hoſt, eſpecially aſſembled for the defence of that place, was in conſequence diſbanded.

1482 Another parliament being ſummoned, the members engaged, 18March with great warmth, in the national enmity againſt England [6]. The depredations of the Engliſh by ſea and land, being more ſenſibly felt after ſo long a period of peace, and being perhaps directed by the innate cruelty of Gloceſter, the commander in chief, appear to have excited an indignation remarkably keen. But the decency of modern times is ſurprized to find the legiſlative body uſing terms of ſuch aſperity, as repeatedly to ſtyle the Engliſh ſovereign, Edward the *reifar*, that is the robber, or pirate; a title due to many kings, but ſeldom employed. It is added that Edward "calls himſelf king of England," for the connection between Scotland, and Henry VI, was not forgotten. The three eſtates engage that, ſince Edward ſeems reſolved to proſecute the war, which he had unjuſtly commenced, they ſhall maintain a firm obedience to their ſovereign, with their perſons, lands, and goods, in defence of his perſon, his ſucceſſion, the realm, and the ſubjects; as they, and their an-

[6] Acts, f. v. 65, ſeq. and compare the edition by Murray of Glendook, p. 80, where the date, 18 March 1481-2, is rightly aſſigned. Abercromby, Granger, Guthrie, &c. confound this parliament with that of April 1481. Lord Kaims, Hiſt. Law Tracts, 441, has publiſhed the trial of lord Lyle in this ſeſſion, which ſhews that it commenced on the 18th March 1481-2. The trial was on the 22d March 1482. See alſo Carm. Tracts, 63. The violence of the language was palpably excited by the ravages of the Engliſh in 1481. Incredible confuſion has ariſen in our hiſtory, and records, from the varying commencement of the year, in the Roman mode 1 Jan. or according to the manner of the weſt, 25 March. See l'Art. de verifier les dates, p. iii to xi, for a complete explanation.

ceſtors

ceſtors had done formerly. They order all men within the kingdom to be prepared, upon a warning of eight days, or leſs if neceſſary, to attend the king in arms, and with proviſions for at leaſt twenty days: and a regulation is given concerning couriers, or poſts, to convey orders and intelligence[7]. In conſideration of the king's great expence, in repairing and fortifying the walls of Berwick, and the caſtle, in providing them with artillery, and in maintaining a garriſon of five hundred men in the town, the eſtates oblige themſelves to ſupport garriſons in thirteen forts, upon the borders; the Hermitage is to receive one hundred men, the others from twenty to ſixty. This ſtatute is ſingular, and intereſting in many reſpects; the chief captains are nominated by the ſtates, who ordain that the captains ſhall appoint their lieutenants, and ſhall receive the pay of their ſoldiers at the rate of two ſhillings and ſixpence for every ſpear, and two ſhillings for each bow[8]; the garriſons conſiſting of equal portions armed with theſe weapons, and being allotted to the forts only during the month of May, after which they were to be lodged in Berwick for three months. The clergy engage to maintain two hundred and forty of theſe ſoldiers; the nobility as many; and the boroughs half that number. In another ſtatute the national council, in terms of control, and not of advice, declare that if Edward invade Scotland in perſon, the Scotiſh king ſhall appear in the field, at the head of the whole force of his realm; and the members expreſs their firm reſolution to live or die with their monarch[9]. 1482

[7] Louis XI began the foundation of the poſts, or rather regular offices for poſt-horſes to be uſed by royal meſſengers, in 1480, and completed the inſtitution in 1481. Duclos, II, 384, 441.

[8] Acts, f. 67. Abercromby, miſled by his own notes, and confounding Roman and Arabic numerals, gravely puts *eleven* for *two*. Guthrie, IV, 154, joins the dance, though Granger, 685, had corrected the error.

[9] Acts, f. v. 66.

Thoſe

1482 Thoſe who are attached to ſyſtems, the bane of hiſtory, might build a ſplendid ſpeculation upon ſuch decrees: but the wiſer, who prefer even inconſiſtency to ſyſtem, will be perhaps inclined to found little upon the fluctuating views of a rude age, in which no branch of power was properly defined, or circumſcribed. Yet a degree of bigotry muſt be required not to perceive principles of eminent dignity, and freedom, in theſe tranſactions. The parliament was doubtleſs ariſtocratic; and the Scots having unfortunately no houſe of commons, the deputies of the burghs were annihilated by the pomp of the nobles and prelates; but ſuch had been the deſpotiſm of James that the cauſe of the nobles became that of the people. Perhaps the uſual royal influence guided this aſſembly; and the fears of James, expoſed at once to internal diſcord and foreign war, led him to extraordinary conceſſions, in order to ſtrengthen his throne by popularity. Perhaps the ariſtocracy ſeized this critical period to regain loſt authority, and, by plauſible meaſures, to ſecure the favour of the nation, in the meditated ſcheme againſt the king's favorites. However this be, the loyalty and unanimity expreſſed by the parliament were completely deluſive.

Other ſtatutes of this aſſembly are eſſential to hiſtory. It is ordered by the king, and parliament of Scotland, that an embaſſy be ſent from them to the king of France, *and parliament of Paris*, to deſire aid; to aſſure them that James had ever been, and would be ready to act reciprocally; and to complain that Louis had returned no anſwer to repeated letters of James upon this ſubject [1]. This furniſhes an additional proof that Louis was not the author of the war: but did the ſtrange compliment to the parliament of Paris proceed from ignorance, or

[1] Acts, f. 68.

from

from a deſign to collate the Scotiſh legiſlature with a court of juſtice? A high reward is offered for the ſlaughter, or capture of James, the exiled earl of Douglas; and even his followers are rated at proportional remunerations; that nobleman acting as a dangerous enemy in the preſent hoſtilities againſt his country[2]. Lord Lyle was tried by an aſſize of ſixteen lords of parliament, the king ſitting as judge, for correſponding with Douglas; but was acquitted[3]. In recompence for the apparent loyalty of the parliament, the monarch engaged, by a formal promiſe, to attend to the impartial adminiſtration of juſtice, ſo that the people might have cauſe to rejoice in the public order, to the confuſion of the king's enemies, and of all "falſe traitors and untrue hearts," an expreſſion dangerous and ominous[4]. 1482 22 Mar.

The next important incident of this eventful year was the paſſage of Albany from France into England. That deluded, and deſperate, prince was inſtigated probably by the artifices of Gloceſter, who deſired ſuch an example, to aſpire to the Scotiſh crown, and to enter into a treaty with Edward IV, diſgraceful to himſelf, and treaſonable to his country. He uſes the title, at once ambitious and degrading, of Alexander king of Scotland, by the gift of the Engliſh king: conſents to pay homage, and to abandon ſome countries, and places on the ſouth of Scotland, particularly Berwick: and diſclaims the league with France. Edward agrees to aſſiſt Albany in reducing Scotland, and maintaining his royalty againſt James[5]. In conſequence of this 11 June

[2] Acts, f. v. 66. Among theſe followers is *ſir* Richard Holland, evidently a prieſt, and perhaps the author of the *Houlat*, a ſatire againſt James by a partizan of Douglas named Holland. Scot. Poems, 1792, Vol. III.

[3] Kaims Hiſt. Law Tracts, 441. Carm. Tracts, 64. [4] Acts, f. 66.

[5] Rymer, XII, 156, 157: of the 9th May appears an order to fit out a *carvell*, called the Michel, commanded by James Douglas, which had lately conveyed Albany

1482 this treaty Albany joined the Engliſh army, which advanced, under the command of Gloceſter, againſt Berwick[6]. The Scotiſh king aſſembled his array, and was upon his march to relieve that important place, when he was prevented by a revolution, which calls for a pauſe and an ample detail.

Though conſcious of the diſcontents of the nobles and people, James perſiſted in his attachment to mean favourites. Among theſe Cochran was the chief. This architect, whoſe ſkill, diſplayed in the erection of ſeveral edifices, might have been rewarded by employment, or by a penſion, became the fountain of royal favour; and was elevated to a giddy and invidious height of power. The liberal preſents of thoſe who ſued for his protection, and influence, ſoon conſtituted a wealth enormous for the perſon, the age, the country: and a part of this baſe opulence procured from the king's avarice the earldom of Mar, the fatal dignity of his murdered brother[7]. This high

Albany from France to England, as a ſhip in the Engliſh ſervice. Ib. 154. Ferrerius, f. v. 394, ſays the French wife of Albany was now dead.

Among the unpubliſhed papers of Rymer, No. 4615, art. 82, are inſtructions from Edward, 5 March 1482, to Dr. Legh, Widdrington, &c. commiſſioners to the borders, to examine if lord Carlyle, and ſuch others as James ſhall ſend, be empowered to deliver up the prince of Scotland into Edward's hands, till the marriage be accompliſhed. Open war is threatened, as James had received great ſums, uſurped Berwick, Coldingham, Roxburgh, and other places, and refuſes homage. Douglas muſt be reſtored to his honours, and the prince muſt be delivered by the 8th of May, and Berwick ſurrendered! Edward complains that the Scots had, at a meeting on the marches, ſlain Robert Lyle, and taken ſir Henry Percy and others priſoners.

[6] The commiſſion to Glouceſter is dated 12 June. Ib. 157.

[7] It is moſt probable that only the revenues of the earldom were aſſigned to him, without the titles, which however his flatterers, or his own vanity, might uſe. Thus in 1471, 4th May, the earldom of *Levenax*, or Lennox, was granted for life to lord Evandale, with the wards and marriages of all the vaſſals. Scotſt. Cal. Yet Buchanan, XII, 46, ſpecially mentions the *title* of Mar as the chief ſource of the hatred of the nobility. The ſilence of the records may ariſe from the erazures of merited ſcorn.

honour,

honour, diſgraceful to the infatuation of James and of his favourite, was followed by the utmoſt hatred, and ſcorn, of the nobility, and by the execrations of the people. But the new earl of Mar, unconſcious that his extreme elevation was an infallible ſtep to the deepeſt ruin, continued to abuſe his power, and that of his ſovereign, and to increaſe his wealth by every ſpecies of peculation. His oppreſſion extended to all ranks of men. The nobles beheld the places, formerly given by the king to their ſons, now ſold to Mar's followers: the prelates, and dignitaries of the church, ſighed at the increaſe of ſimony: even the daily pittance of the poor did not eſcape, for Cochran had debaſed the current ſilver, with a degree of alloy, which rendered it *black money*, a fraud which led to his ruin, and that of his maſter; and which has been erroneouſly confounded with the *billon* coinage, ordained by the parliament of 1466, which was intended for the benefit of the poor, and was continued in all the ſucceeding reigns. But this corruption of the money was peculiar to that of James III, and was ſuch that the merchants, and farmers, rather choſe to let the grain rot in their granaries, than to receive the price in ſuch dubious metal: and the populace afterwards repeated with exultation the propheſy of Mar, who, when he was told that his coin would be recalled, anſwered, as an impoſſibility, "That day I ſhall be hanged." In ſhort the whole honour and welfare of the king, and kingdom, were ſacrificed on the domeſtic altar of this baſe, and covetous, minion [s]. 1482

Some of the peers had formerly aſſembled, and conſulted upon the means of delivering the realm from the diſgrace, and deſtruction, inflicted by Cochran, and the other royal favourites.

[s] Lindſay, 119, 120. Ferrerius, 395. Cochran was of eminent ſtrength, and had firſt attracted the king's attention by his valour in a ſingle combat. Buch. XII, 37.

1482 A noble deputation had even been ſent to the king, requeſting that he would diſmiſs theſe pernicious counſellors; and reſtore the confidence placed by his anceſtors in the loyalty of the nobility. The anſwer of James was far from ſatisfactory; but the peers aſſented to delay; and diſſembled till ſome deciſive occaſion ſhould ariſe. An occaſion now occurred, ſuch as the Scotiſh nobles, to their ſingular diſgrace, have been accuſtomed to ſeize, from the reign of the firſt to the termination of that of the fifth James. Inſtead of uſing the proper period of peace, the proper place of parliament, the day of war, and the camp, have afforded the ruinous ſcene of internal diſſention; and the ſacred intereſts and glory of their country have often been abandoned by the nobility, to gratify a juſt, or unjuſt reſentment againſt their ſovereign. But the fatal forms of a Scotiſh parliament, ſo well adapted to royal influence, the conception that it was a royal court, the incapacity of rude nobles to ſpeak againſt an educated clergy, ever devoted to the king the ſource of their fleeting dignities, contribute greatly to abſolve the nobles from this imputation; and it is matter of regret, rather than of ſurpriſe, that they always ſeized the only occaſion when their power was collected and firm.

The Scotiſh array, amounting to about fifty thouſands, had July crouded to the royal banner at Burrough-muir near Edinburgh, whence they marched to Soutray, and to Lauder, at which place they encamped between the church and the village [9]. Cochran, earl of Mar, conducted the artillery; and his preſence and pomp were additional inſults. On the morning after their arrival at Lauder, the peers aſſembled in a ſecret council, in the church, and deliberated upon their deſigns of revenge. The earls of Angus, Argyle, Huntley, Orkney or Caithneſs,

[9] Lindſay, 122. Ferrer. f. v. 394. Leſley, 321. Buch. XII, 40.

Crawford,

Crawford, the lords Home, Fleming, Gray, Drummond, Hales, 1482
and Seton, are chiefly mentioned upon this occaſion; and the diſcontent muſt have ſpread far when we find Evandale the chancellor, and ſome biſhops united to the above names [1]. In the courſe of the debate Gray took occaſion to introduce an apologue: the mice conſulted upon the means of deliverance from their tyrannic enemy the cat, and agreed that a bell ſhould be ſuſpended about her neck, to notify her approach and their danger; but what mouſe had courage ſufficient to faſten the bell? "I ſhall bell the cat," exclaimed the impatience of Angus, in whom a current of the blood of Douglas flowed; and the homely times conferred upon him the appellation of Archibald Bell the Cat. It was concluded that the king ſhould be put in a gentle impriſonment, in the caſtle of Edinburgh: and that all his favourites ſhould be inſtantly hanged over the bridge of Lauder.

Cochran, ignorant of their deſigns, at length left the royal preſence to proceed to the council. This upſtart earl was attended by three hundred men, armed with light battle-axes, and diſtinguiſhed by his livery of white with black fillets. He was clothed in a riding cloak of black velvet, and wore a large chain of gold around his neck: his horn of the chaſe, or of battle, was adorned with gold and precious ſtones: and his helmet, overlaid with the ſame valuable metal, was born before him [2]. Approaching the door of the church, he commanded an attendant to knock with authority; and Sir Robert Douglas of Lochleven, who guarded the paſſage, enquiring the name, was

[1] So Lindſay, 123, but this is dubious. Leſley's enumeration is Angus, Huntley, *Lennox*, Buchan, Gray, Lyle. Lindſay's *Bothwell* is lord Hales, afterwards ſo ſtyled.

[2] Even his pavilions were of ſilk, and the faſtening chains were richly gilt. Lindſay, 124.

1482 anſwered, "'Tis I, the earl of Mar." Cochran, and ſome of his friends, were admitted: Angus advanced to him, and pulling the golden chain from his neck, ſaid "A rope will become thee better;" while Douglas of Lochleven ſeized his hunting horn, declaring that he had been too long a hunter of miſchief. Rather aſtoniſhed than alarmed, Cochran ſaid, "My lords is it jeſt or earneſt?" To which it was replied, "It is good earneſt, and ſo thou ſhalt find it; for thou, and thy accomplices, have too long abuſed our prince's favour; but no longer expect ſuch advantage, for thou and thy followers ſhall now reap the deſerved reward."

Having ſecured Mar, the lords diſpatched ſome men at arms to the king's pavilion, conducted by two or three moderate and prudent leaders, who amuſed James while their followers ſeized the favourites. Sir William Roger the Engliſh muſician, Preſton a gentleman, Hommil, Torphichan, Leonard, and others, were inſtantly hanged over the bridge at Lauder. John Ramſay of Balmain, having claſped the king's perſon, was alone ſpared. Cochran was now brought out, his hands bound with a rope; and his weak pride deſiring to exchange the ignominious bonds of a thief for the ſilken cords of his own pavilion, he was anſwered that he was a traitor and only found merited ſhame: he was conducted to the bridge, and hanged above his companions [3].

Such was the influence of the ariſtocracy over their warlike followers, that the king was conveyed to the caſtle of Edinburgh, without commotion or murmur. Here he was ſerved with reſpect: but was attended by ſome of the peers, to obſerve his conduct, and prevent his eſcape, till he ſhould give ample ſecurity not to revenge the death of his favourites; to

[3] Lindſay, 125. Ferrerius, 395. Leſley, 322. Buchanan, XII, 45.

which

which he ſhewed obſtinate repugnance. Except this conſtraint, his will was unviolated, and the royal authority remained unimpaired [4]. 1482

Meanwhile the Engliſh army had acquired poſſeſſion of the town of Berwick: and the generals, Gloceſter and Albany, learning that the Scotiſh army was diſbanded, and the king impriſoned, left a party to conduct the ſiege of Berwick caſtle, and advanced with the main force to Endinburgh [5]. Their ſubſequent conduct is not a little myſterious. The capture, or death, of James, and the coronation of Albany might have been expected from the Engliſh treaty: but the next authentic paper preſents to us Albany ſuing for his pardon from James; and our early hiſtorians, ignorant of Albany's ambition, repreſent him as the deliverer of his brother from the power of the nobles. If, with ſome writers, we believe that James was not impriſoned in the caſtle of Edinburgh, but choſe that fortreſs as a ſecure retreat, the difficulty remains the ſame, or greater [6]. Even records cannot atone for the want of contemporary hiſtorians; and in ſuch England and Scotland are at this period barren. That Edward IV and Albany were ſincere in their agreement appears from its renewal in the following year; which alſo inſtructs us that Angus and Gray were then, if not before, engaged in the treaſonable ambition of Albany. Hence almoſt the only rational view which preſents itſelf is, that Albany, finding a great majority of the nobles, and the popular voice, completely adverſe to his unnatural and baſe ſchemes [7], was forced to temporize, and accept

[4] Ibid. [5] Ferrer. 396. Leſley, 322. Buch. XII, 47.

[6] The impriſonment is however certain from two charters. Ruddiman's preface to Anderſon's diplomata, and notes on Buchanan, I, 445.

[7] The continuator of Harding poſitively ſays that Gloceſter gave peace to Scotland, becauſe the peers did not join Albany.

a pardon,

1482 a pardon, and the reſtoration of his eſtates; in the hopes that his preſence, and influence, might ſtrengthen his pretenſions before their open declaration. The acquiſition of Berwick would afford a prize ſufficient to ſatisfy Gloceſter; who might judge, from perſonal knowledge, that a delay was more expedient than the perdition of the ſcheme by precipitation.

The Engliſh army amounted only to about ſixteen thouſand; and the materials for a ſiege had been left before Berwick; hence the capture of the caſtle of Edinburgh, and of James, could hardly be attempted by ſo few battalions, liable ſoon to be ſurrounded or intercepted by a ſuperior force. A Scotiſh army was actually aſſembling at Haddington, under the command of ſeveral patriotic peers; and even the courage of Gloceſter might tremble at the proſpect of a battle, without the poſſibility of a retreat[8]. An hiſtorian informs us that thoſe peers prevailed on Albany to paſs to their party, upon an offer of appointing him lieutenant general of the kingdom[9]; a rank tempting to his ambition, for he might, with greater certainty, aſpire to the crown by Scotiſh, than by Engliſh, aid. However this be, after a brief negotiation, Shevis, the archbiſhop of St. Andrews, Livington the biſhop of Dunkeld, lord Evandale the chancellor, and the earl of Argyle, all rather eminent in attachment to James, entered
2 Aug. into a ſolemn engagement with Albany, that if he preſerved his duty to the king, and the terms of his bond to them, and other Scotiſh lords, his lands and offices ſhould be reſtored, and he and his followers receive an amneſty: they alſo engaged

[8] Ferrer. 397, Leſley, 322.

[9] Leſley, 322, who adds that the earldoms of Mar and *March* were to be given to Albany. The latter was in fact reſtored by his deliverance from the forfeiture. Had he ſaid Mar and Garioch, he would have been exact. See the grant, Rudd. Buch. I, 445.

that

that the king ſhould ratify the treaty in the next parliament [1]. 1482
And a truce with England being neceſſary, in the diſtracted ſtate of the kingdom, Berwick was yielded, after having remained or twenty one years in the Scotiſh poſſeſſion, to which it was not to return; and the *provoſt* and merchants of Edinburgh engaged to repay the ſums advanced for Cecilia's portion, if Edward refuſed to complete the marriage; which reſolution being notified, two months after, the money was repaid [2].

The other embroiled tranſactions of this year are, the paſſport of Edward to Margaret the ſiſter of James, whoſe mar- 22 Aug
riage with lord Rivers, the brother of Edward's queen, appears to have been fruſtrated by the enmity, and intrigues, of Gloceſter, or by the machinations of the Scotiſh court, for it does not appear that the lady proceeded to England [3]: a ſafe conduct to James, who again wiſhed to viſit the ſhrine of St. John at Amiens [4], probably induced both now and before by the arts 23 Nov.
of Albany, to whom his abſence might have been advantageous: and a fruitleſs commiſſion of Edward IV, to renew, and conclude, the negotiation for the marriage of Rivers and Margaret [5]. But from the paſſport to James, and the parlia- Dec.
ment held at Edinburgh [6], it appears that the captivity of the 11 Dec.
king was terminated.

[1] Rymer, XII, 160.

[2] Rymer, XII, 161. The *provoſt* ſeems now mentioned for the firſt time: more anciently he was denominated *alderman*.

[3] Rymer, XII, 162. [4] Ibid. 170. [5] Ibid. 171.

[6] Acts, Murray of Glendook's edition, folio, p. 71. Carm. Tracts, 66. The charter of James to the citizens of Edinburgh, for aſſiſtance in delivering him from his impriſonment, is dated 16 Nov. 1482. Rudd. Buch. I, 445. Lindſay, 126, ſuppoſes James a priſoner three quarters of a year, read three months.

According

1482 According to the unanimous report of our hiſtorians, this deliverance was effected by Albany, and probably in the end of September. They narrate that James being ſtill retained in the caſtle of Edinburgh, under the care of Athole his uncle, the adminiſtration was conducted by Albany, Evandale the chancellor, and Shevis archbiſhop of St. Andrews; that Albany paſſing to viſit the queen Margaret of Denmark, and the prince her ſon, at Sterling, was inſtigated by her to deliver the king; which he effected after a ſiege of ſome duration, upon which Argyle, Shevis, and the chancellor, fled in conſternation to their reſpective places of abode. Albany hence acquired ſo much favour from his royal brother, that they ſhared one bed and one table [7].

The

[7] Ferrer. 397. Leſl. 323. Buch. XII, 50. Lindſay, 130. Grant of Mar and Garioch to Albany, for delivering the king, Rudd. Buch. I, 445: it bears that he expoſed himſelf to great dangers in the ſiege. There is alſo a grant to Dundas of Dundas, for the ſame ſervice, " and venturing life therein." Scotſt. Cal. 17 Jan. 1483.

Our ignorance of the views of parties, at this period, creates deep obſcurity. Abercromby, a warm defender of James III, and enemy of Albany, denies the fact, II, 452. But a partizan is little calculated to throw light, where even a candid writer may be bewildered. Neither Albany nor James were entitled to complete fame or reproach. They wavered, like the many, between vice and virtue. Albany ſeems to have aſpired to the government, on the plan of his predeceſſors in the title, Robert and Murdac. This probably was the cauſe of his forfeiture in 1479; and when he gained this in Auguſt 1482, he was ſatisfied. But finding that the former council of James conteſted his authority, and uſurped the royal power in the name of the captive monarch, whom Athole one of their cabal guarded, he would naturally wiſh to have the king in his own power; and ſeems to have offered to free James, provided that he was named lord lieutenant of the kingdom, and had a gift of Mar and Garioch. This eaſy theory reconciles hiſtory and records.

Leſley errs concerning the reſignation of the archbiſhopric by Shevis, (ſo called from a village in Aberdeenſhire,) to Andrew Stuart. It was Moray, a biſhopric

The parliament of December appears to have been wholly influenced by Albany; but that prince's unbounded ambition, and avarice, ſpeedily diſguſted moſt of the peers; and James was little ſatisfied with the power of his brother, of whom he had every cauſe to entertain the utmoſt jealouſy[8]. Finding upon what a precarious foundation his authority reſted, perceiving the renewed ſtrength of the loyal party, early in the following year Albany appointed Angus, Gray, and Sir James Liddel, his commiſſioners to Edward IV, to ſtrengthen the former treaſonable treaty[9]: and ſoon after that infamous agreement was repeated, and enlarged. It appears that Albany managed the public affairs, for it is agreed that a year's truce ſhall be obſerved: the homage and dereliction of ſome provinces are left in ſilence, but Albany engages to aſſiſt Edward againſt France, and to wed one of his daughters[1]: the exiled earl of Douglas is to reſume poſſeſſion of his lands, as far as ſettled in an agreement made between him and Angus: and Edward engages to ſend Gloceſter and Northumberland,

1483 12 Jan. 11 Feb.

biſhopric retained by the avarice of Shevis. Compare Keith, Biſhops, 86, whence it appears that Andrew Stuart was in fact *elect* of Moray, at the meeting of parliament 2 Dec. 1482.

The contemporary chronicle at the end of Winton cloſes with the year 1482, and has ſome curious notices concerning it: that after the affair of Lauder the peers *cried down* the *black ſilver*, which had been current for two years in half-pennies and *three penny* pieces; and impriſoned James in the caſtle of Edinburgh, from Magdalen-day to Michaelmas, (22 July—29 Sept.) Corn fell from 4*l.* to 30*s.* a boll, or about $\frac{2}{3}$ of the Engliſh quarter.

[8] Niſbet, Heraldry, II, 89, has publiſhed ſome extracts of letters, of James III and IV, to the family of Arbuthnot, in the Mearns. Among them is one of the former monarch, 3 Jan. r. 23=1483, deſiring Arbuthnot's aid, as James was informed that laſt thurſday ſome perſons had begun to aſſemble, with a deſign to invade his perſon.

[9] Rymer, XII, 172.

[1] The divorce of Albany from the daughter of Orkney, his French marriage, &c. are of uncertain date.

1483 with ſuccours, to aſſiſt the duke in conquering Scotland [2]. 9 Apr. But the death of Edward IV, in the prime of life, terminated theſe ſchemes of unjuſt ambition: and Gloceſter, who upon 22 June the murder of his two nephews ſeized the Engliſh ſceptre, and the title of Richard III, found ſufficient occupation in ſettling domeſtic diſcord.

The violence, and imprudence of Albany's conduct ſoon exceeding the bounds of mere ſuſpicion, and his views evidently tending to the diſgrace and deſtruction of the kingdom, the nobles had reſumed their loyalty, and the king was reſtored to his free and full power. Albany, underſtanding that his deſigns were diſcovered, or conſcious of guilt, retired into England [3], leaving his caſtle of Dunbar in the hands of an Engliſh garriſon. His forfeiture followed; but while the treaſon of Angus, Gray, and others, remained unknown, a ſimilar penalty was impoſed on lord Crichton, who had alſo garriſoned his caſtle of Crichton and eſcaped [4]. If Buchanan be believed, a private pique of James gave occaſion to the condemnation of this peer: for the king having ſeduced Crichton's wife, he, in revenge, found means to win the love of Margaret, the ſiſter of James, by whom he had a daughter named Margaret Crichton, who died not long before our great hiſtorian compoſed his work. Nay, according to that hater of kings, before this adultery of Margaret, ſhe had loſt her

[2] Rymer, XII, 173.

[3] He had previouſly retired to Dunbar, pretending ſuſpicions of poiſon. Ferrer. 397. Leſley, 225. Theſe authors ſay he paſſed to France; Buchanan, XII, 50, to England: whence however he ſoon proceeded to the court of Charles VIII.

[4] From the Records of Parliament it appears that Albany was forfeited on the 27th June 1483, with Sir James Liddel of Halkerſton. Carm. Tracts, 68. Crichton in Feb. 1484. Ib. Crawf. Off. 312. Abercromby, with ſtrange inaccuracy, confounds Crichton with Orkney, II, 429.

virginity

virginity in the inceſtuous embraces of her royal brother[5]. 1483
The reader may aſſent, or diſbelieve, according to the weight of the evidence: but Buchanan deſerves more implicit credit in the information that Crichton was reſtored, a ſhort time before the death of James, in order that, his former wife now being dead, he might compenſate the diſhonour of the princeſs by marrying her; but Crichton dying ſoon after, this alliance produced no other progeny[6].

A parliament was held at Edinburgh, which proceeded to 1484
ſettle the diſorders of the kingdom[7]. The expiration of the 24 Feb.

[5] Buch. XII, 51.

[6] Though many writers have laboured the genealogies of the houſe of Stuart, yet the marriage of Margaret remains obſcure. Crawf. Off. 31, ſays William lord Crichton, who ſucceeded his father James in 1469, had by her alſo a ſon named James, who obtained a charter in 1492. Yet the marriage could not have taken place till about 1487. See Drummond, p. 111.

Scotſtarvet's Calendars, at the year 1482, preſent a grant of many lands to Mary lady Hamilton, and among others thoſe of Kilmarnoc formerly given to the queen, apparently an exchange, for that princeſs was not yet dead? On the 18th March 1483 Largo in Fife was granted to Andrew Wood of Leith, for his ſervices by land and ſea, chiefly in the Engliſh war: confirmed, about 1497 with the addition that the moſt eminent ſervice had been the defence of Dunbarton, when the Engliſh navy came to beſiege it: (1481? unknown in hiſtory.) There is in Scotſt. Cal. a charter inconſiſtent with other records. It is of the lands of "Mekil and litil Pinkartoun, in the barony of Dunbar, conſtabulary of Haddington, and ſheriffdom of Edinburgh, *forfeited by Albany*—to Colin earl of Argyle, united in the barony of Pinkartoun ward with *thrt ſutes* at the heid courts of Edinburgh," 29 *April* 1483. (Auguſt?)

[7] Acts, f. 69, 70: Glendook's edition, p. 71. Abercromby and Granger, from ſome unknown cauſe, imagine this parliament to have been in Feb. 1484-5; though the Acts mark 1483-4. The miſtake ſeems to originate ſolely in Abercromby's inaccuracy. The date in the Acts is confirmed by the Rolls of Parliament, Keith biſhops, 69: and ſee ſeveral records, evincing it beyond doubt, in Carm. Tracts, 66, 67, 90. Not to mention that the preparations for war are irreconcileable with the year 1485. This ſeſſion was prorogued to the 17th May 1484. Carm. 70, 90; but only private or judicial buſineſs was then tranſacted.

1484 truce, the retreat of Albany into England, the hoſtile views of Richard III, conſpired to render war apparently ſo inevitable, that the parliament ordered all the ſubjects fit for arms to be ready, upon a warning of eight days, to march with proviſions for twenty days, in defence of the realm againſt its Engliſh foes. In order to appeaſe the diſcords of the barons, that they may proceed in concord againſt the enemy, the king is adviſed to call them into his preſence, and conciliate their differences; while thoſe of leſs eminent ſtation are to ſubmit their feuds to the adminiſtrators of juſtice, ſo that internal peace, and obedience to the royal authority, may be reſtored. The ſtrict execution of juſtice is enforced, "that the realm may be brought to good rule." Some regulations are iſſued for the artiſans in gold, or rather in ſilver[8]: and, after ſome inſtitutions concerning the coin, the new *placks*, or large pieces of baſe metal, the real *black money* which gave ſuch juſt offence, are called in; a meaſure long due to an oppreſſed people.

Charles VIII having acquired the active ſovereignty of
March France, at the early age of fourteen, ſent Bernard Stuart lord of Aubigny, and an inferior ambaſſador, to Scotland, to announce the new reign, and ratify the alliance: and James in
July return ſent an embaſſy to France, to obtain the ratification of Charles[9]. Meanwhile, though Richard III had increaſed the penſion

[8] For the act itſelf bears that the goldſmiths diminiſhed the fineneſs of their "ſilver work," or wrought ſilver. The *placks*, next mentioned, ſeem the three-penny pieces of the chronicle at the end of Winton.

[9] Leſley, 324. Hiſt. de Charles VIII par Jaligny, &c. Paris 1684, folio, p. 389. The ſucceſſion to the crown of either realm, if doubtful, is to be ſettled by the prelates and nobles. The envoys to France were Argyle, Shevis, Evandale, Drs. Inglis and Ireland, &c. Crawf. Off. 45, from the public archives. This treaty ſeems unknown to Du Tillet, and the compiler of the MS. Leagues. A renewal of the alliance, 1460 or 1461, would be a curious diſcovery.

Leſley

penſion paid to the exiled earl of Douglas, the ſtate of his affairs 1484
did not permit him to aſſiſt that earl, or Albany, in the invaſion of Scotland. In their impatience, theſe two leaders collected a troop of five hundred horſe, and ſom infantry, hoping that their friends and followers would ſoon ſwell their array; and with this view advanced to Lochmaben, during a fair. But 22 July.
the influence of Douglas was forgotten, even by his former vaſſals; and that of Albany was deſpiſed: the neighbouring gentlemen collecting ſome haſty bands, the occaſion furniſhed numbers, fury arms; and after a conflict, or rather affray, which laſted from noon till night, the laſt Douglas remained the ignominious captive of a vulgar hand, while Albany found his ſafety in the ſwiftneſs of his horſe. Douglas, now old and unwieldy, was conveyed to the royal preſence; but, either from ſhame or ſcorn, turned his back on the ſon of James II, the deſtroyer of his houſe: a ray of pity illuminated the deſpotic mind of the king, who had now himſelf taſted misfortune: he ſentenced the years and infirmities of Douglas, who had been educated to the church, to the religious retirement of Lindoris abbey, while the earl's indifference muttered, "he who may no better be, muſt be a monk." In this retreat Douglas perhaps firſt knew happineſs; and died after four years of penitence and peace [1].

Albany,

Leſley takes occaſion to mention that ſome troops were now ſent to France under Robertſon; and that among the Scots in that kingdom were Albany, George Montgomery ſeigneur de Lorges, Aubigny, Robert Stuart marſhall of France, and Nicolas Scot.

[1] Buch. XII, 52. Hume Dougl. I, 379—381. Drummond, 107, edit. 1655, folio. In the beginning of 1484 Douglas obtained from Richard III an increaſe of his penſion, Rymer, XII, 213, 218. On the 25th June 1484 he, and Albany, were at York. Ib. 228. In Scotſt. Cal. 25 July 1484, a grant to Carruthers for ſervice in the battle againſt Alexander Stuart and James Douglas: another,

1484 Albany, having loſt all hopes of Richard's aſſiſtance, retired into France; where he wedded, in his ſecond nuptials, the daughter of the earl of Boulogne, by whom he had a ſon John, afterwards duke of Albany, and regent of Scotland during the minority of James V. The father, after reſiding in France for ſome years, was accidentally ſlain in a tournament by the ſplinter of a ſpear; leaving a fame fatal to his title, unnatural ambition, and the want of fraternal affection [2].

another 20 Aug. to Crichton of Sanquhar, for ſervice in the ſaid battle on the weſt marches. To Alexander Kirkpatrick, *for ſeizing Douglas*, the lands of Kirkmichael, forfeited by Crichton and his brother Gawin, 2 Oct. 1484.

[2] Buch. Hume, Drumm. ut ſupra. Leſley, 326, who, while he ſtyles him Father of War, confounds him with Aubigny, a not unuſual miſtake from the ſimilarity of the title. Our authors ſeem to concur that about 1484 Alexander duke of Albany wedded Anne of Boulogne, Leſl. 319. Lindſay, 131, 136, calls her the ducheſs of Boulogne. The act of 13th Nov. 1516 "Dame Agnes of Boloigne." Hay's MS. calls her Anna de la Tour; her mother Jeanne de Bourbon, ſiſter of Francis duke of Vendome, (thus confounding Alexander with John.) St. Gen. 107.—Crawford, Stuarts, 39, ſpeaks confuſedly of Lauragnez, which was claimed by the father-in-law of John, L'Art, 726.

It is certain that the title of Boulogne was only an addition to that of Auvergne, from the fourteenth century, L'Art de v. L. D. 724; and that *John* duke of Albany wedded Anne de la Tour, in her own right counteſs of Auvergne and Boulogne. Ib. 726. The confuſion may perhaps be cleared by ſuppoſing Agnes, wife of Alexander, one of the three daughters of Bertrand II count of Auvergne and Boulogne, thus,

Bertrand II of Auvergne and Boulogne.

| | |
|---|---|
| John III of A. and B. | Agnes=Alex. d. of Alb. |
| Ann wedded her couſin = | John d. of Alb. |

Alexander was accidentally ſlain in Paris, when inſpecting a tourney between the duke of Orleans and another knight: Leſl. 326. This duke of Orleans was ſurely he who became Louis XII in 1498; and for 1483, in Drummond, 106, we may perhaps read 1493, as the date of the event; which is one of thoſe that ſeems eaſy to trace and yet is difficult. See 1487.

The

The embarraſſments of Richard and James rendering the continuance of war ineligible to both, a treaty was opened; and, after a ſhort negotiation, concluded at Nottingham [3]. To ſtrengthen the pacification, it was agreed that James duke of Rothſay, heir of the Scotiſh throne, now in his twelfth year, ſhould wed Anne de la Pole, only daughter of the duke of Suffolk, and niece of the Engliſh king [4]: but this marriage was defeated by the death of Richard. In the mean time the truce was only eſtabliſhed for three years, upon the grounds of preſent poſſeſſion, except with regard to the caſtle of Dunbar, ſtill garriſoned by the Engliſh; and which, by a ſingular clauſe, the Scotiſh king was allowed to recover by force, after ſix months had elapſed, and upon a warning of ſix weeks given to Richard [5]: a mode probably intended to preſerve meaſures between Richard and Albany. The powers comprehended are, on the part of England, Caſtile and Leon, Arragon, Portugal, Auſtria, Burgundy, Bretagne; on that of Scotland, France, Denmark, Gelder, Bretagne: and by an uſual, but unaccountable article, except of mere form, the lordſhip of Lorn in Scotland, and the iſle of Lundy in the river Severn, are excepted from the truce [6].

1484 21 Sept.

In a ſucceeding national council, the renewal of the French league, and the Engliſh truce, were ſolemnly approved: an

1485 4 Feb.

[3] Rymer, XII, 236. [4] Ibid. 244. [5] Ibid. 236.

[6] This form was firſt obſerved in 1464. Lundy, an almoſt inacceſſible iſle, was a receptacle for pirates, for whoſe acts the Engliſh kings could not be anſwerable. The exception of Lorn ſeems a mere form, for the ſake of equality.

In Cal. B. V, 147, are ſome contemporary notes concerning this embaſſy. Richard received the envoys at Nottingham 12 Sept. in great ſtate: a ſpeech of Whitlaw the Scotiſh ſecretary is premiſed, but the fragment ends abruptly. A part of this celebrated oration is however preſerved, Veſp. C. XVI, f. 75—79. It is in praiſe of peace, abounds with panegyric and profeſſions, and applies to Richard the noted line,

Major in exiguo regnabat corpore virtus.

embaſſy

1485 embaſſy was ordered to be ſent to York, at the expence of the clergy, barons, and burghs, in order to complete the marriage treaty [7]. As the truce permitted the capture of Dunbar, the parliament adviſes the king to proceed againſt that fortreſs, on the firſt day of May; and the right of peace and war again dubiouſly appears, in the particular directions given by the legiſlature. An embaſſy is alſo appointed to the pope, to obtain his confirmation of the French alliance, and of the treaty with Denmark concerning the Orkneys and Shetland; and this embaſſy Shevez, the archbiſhop of St. Andrews, offers to undertake at his own expence; a ſingularity, which like the expenditure of the commiſſion to England, betrays great penury of royal revenue. A further ſolicitation was to be moved to the pontiff, that he would grant to the Scotiſh kings a power of ſuperſeding, for ſix months, the diſpenſations to vacant biſhoprics; that they might have time to advance the promotion of ſuch as they could truſt, the biſhops having the firſt vote in parliament, and being of the privy council. Another prudent ſtatute, but attended with little ſucceſs, occurs for the encouragement of the herring fiſhery in the weſtern ſea [8]. Symptoms of diſcontent diſturb the national laws: ſome friends of Albany, or ſome foes to the weak government of James, are recommended to the royal blame: regulations for the adminiſtration of juſtice are repeated, and reſpites are reprobated as more iniquitous than pardons: the abettors of Albany's crimes are pointed out, as the objects of peculiar proſecution; and the king obliges himſelf to grant no reſpite, nor pardon, to notorious offenders for the ſpace of two years; an engagement perhaps prohibitory of weak lenity, perhaps of avarice.

[7] Acts, f. 71—f. v. 74. Compare Murray's edition, p. 80.

[8] Murray's edition, p. 80. It is alluded to in the acts of 1487, f. v. 78. Granger, 701, forgets this ſtatute of 1485.

If

If the caſtle of Dunbar was beſieged, it was without ſucceſs[9]. 1485
Richard III, far from oppoſing the enterprize, was occupied in counteracting the deſigns of the earl of Richmond; who ſoon after landed in England, and ſealed his title to the crown in the blood of the uſurper; while Henry VII was hailed by 22 Aug.
the acclamations of his victorious troops[1].

Meanwhile James had inſenſibly relapſed into his former impolitical conduct. Immerſed in mean pleaſures, and trivial purſuits, he neglected the reins of government, which were alternately relaxed, or reſtrained with too much violence[2]. Loſt in the retirement of his palace at Stirling, his chief cares were occupied in architecture and muſic, at beſt but laudable amuſements. Had not the proſperity of the monarchy been neglected, public praiſe might have attended the erection of the great hall in the caſtle of Stirling, and that of the adjacent ſplendid chapel, in which a dean and a double ſeries of chanters and muſicians were appointed, that the royal ear might never

[9] Buch. XII, 53, expreſsly ſays it was not retaken, till during a ſevere winter in the beginning of the reign of Henry VII. The art of beſieging was little known in Scotland, even in the reign of James V: ſee Tantallon 1528. Drummond, 106, ſeems to date the capture 1486.

[1] Ferrerius, 398, and Leſley, 326, aſſert that Bernard Stuart, lord of Aubigny, commanded ſome French troops which accompanied Henry. But the Engliſh hiſtorians, from veracity, or from enmity to the French and Scots, are ſilent, though minute in deſcribing the arrangement of the battle. André of Tholouſe, Domit. A. XVIII, mentions a *Dominus de Chandea*, an eminent warrior, as leader of the French.

[2] The miniſtry from the year 1483, after the flight of Albany, were Argyle the chancellor, in which office he appears in the parliament of Feb. 1484. Carm. 66. Crawford great chamberlain; the abbot of Holyrodhouſe treaſurer; Mr. David Livingſton privy ſeal; Whitlaw ſecretary. Scotſt. Cal. Lord Evandale ſurvived till 1488, Crawf. Off. 39: he, and Shevis archbiſhop of St. Andrews, ſeem to have retained the king's favour till his death.

1485 want the luxury of ſound[3]. But the moſt exquiſite harmony of a king ought to be the voice of a happy people; and to this James was a ſtranger. Even his munificence aroſe upon diſcontent: the priory of Coldingham, which the Humes regarded as their patrimony, was now annexed to the royal chapel of Stirling[4]. The weak obſtinacy of James was ignorant that there are barriers, and prejudices, which even eaſtern deſpotiſm dares not to infringe. Thinking that the ſpirit of the nobility was fled with Albany, the monarch iſſued a mandate that the nobles ſhould no longer wear arms, as before, within the precincts of the court[5]: to add to the diſgrace, Ramſay, the favourite who had eſcaped, and who had been recently created lord Bothwell, was excepted, as captain of the royal guard, an inſtitution which apparently originated in the preceding reign[6]. The attachment of the Scotiſh monarch to England, and to Engliſh favourites, which had commenced in his youth, and had ſuffered little interruption from a ſhort and unwilling war, was viewed with diſguſt by the prejudices of the people[7]. The peers even accuſed him of an intention to enſlave

[3] Lindſay, 136. Drummond, 107, ſays that James now became very devout, viſiting the churches in proceſſion every wedneſday and friday.

[4] Lindſay, 137.

[5] Ferrerius, 399. Guthrie, often affecting to think for himſelf, and often thinking with puerility, contends, IV, 209, againſt Dr. Robertſon concerning this inſtitution, and confounds the court with courts of juſtice!

[6] Our antiquaries, amid their eager purſuit of trifles, neglect objects of real curioſity and importance; and the want of diſſertations on obſcure points of Scotiſh hiſtory is much to be regreted. The firſt trace of a royal guard occurs in 1452, when Sir Patrick Gray was captain. Lindſay, 62. From Scotſtarvet's Calendars it appears that, in 1473, *Mr.* David Guthrie was captain of the king's guard, and George Bell lieutenant.

[7] The act of indemnity, (Acts, f. v. 82,) ſpecially accuſes James of "inbringing of Engliſhmen, and to the perpetual ſubjection of the realm." This is

enſlave the nation by Engliſh guards and armies: Angus, 1485
Argyle, Lennox, the lords Home, Hales, Drummond, Lyle,
Gray, confederated together, again to impriſon the king, and to appoint the prince regent; but this deſign was delayed, till a further occaſion ſhould be preſented by the increaſing weakneſs of the government [8].

In the midſt of winter James advanced, and at length diſ- 1486
poſſeſſed the Engliſh garriſon at Dunbar [9]; but Henry VII, diſpoſed to peace by inclination and by policy, named the biſhops of Worceſter and Lincoln, and other commiſſioners, to meet William Elphinſton the learned biſhop of Aberdeen, lord Bothwell, and others, on the part of Scotland: and a truce of three years was concluded, the former being held as 3 July
annihilated by the uſurpation, and death, of Richard III. James was either ignorant of the perfidy of Angus, or conſtrained to conceal his knowledge; for the traitorous friend of Albany is named as one of the conſervators of the truce [1].

Margaret of Denmark, the amiable and reſpected queen of 1487
James III, died, in the middle period of life: the ſilence of our early and barren hiſtorians, concerning her interference

is the reproach of enemies, but muſt have had ſome colour of truth. Ferrerius, f. v. 398, mentions the favour of James to the Engliſh: and Henry VII was not wanting in return to the Scots. Leſl. 324. The ancient ariſtocracy ſeems to have as yet inherited attachment to France.

A grand Scotiſh embaſſy was preſent at the coronation of Henry VII, 30 Oct. 1485, namely lord Bothwell the favourite of James, the abbot of Holyroodhouſe, lord Kennedy, Archibald Whitlaw dean of Dunbar the ſecretary, John Roſs eſq. and the lion-king-at-arms, Roſs herald, Unicorn purſuivant. See an account of the ceremony at the end of Leland's Collect. Vol. IV, edit. 1774.

[8] So Ferrerius, f. 399, Leſley, 327; and that there was an aſſociation, prior to 1488, may appear from the act of indemnity, which mentions articles "diverſe times granted and broken" by James.

[9] Buchan. XII, 53. [1] Rymer, XII, 290.

1487 in politics, may be interpreted in her praiſe; but their neglect to mention the epoch, and manner, of her death, redounds not to their fame [2]. To the character of her virtues and accompliſhments, formerly given, it is unneceſſary here to add; but it may be ſuſpected that the fate of James, ſoon to follow, had been ſomewhat protracted by the birth and connections, by the merits, and by the counſels, of the daughter of Denmark.

1 Oct. The laſt parliament during the reign of James III being aſſembled [3], the king ſolemnly engaged to contribute to the protection of the common people [4], harraſſed by the wanton cruelty of the great families, and that of the public peace in general, by granting no pardon, for the ſpace of ſeven years, to any perſons guilty of treaſon, murder, ſetting fire to houſes, rape, robbery, theft, or forging the coin. He alſo conſented to ſeveral ſtatutes, eſpecially propoſed by the commiſſioners of the burghs, importing, among leſs matters, that merchants engaged in foreign trade ſhould have a certain property, and reſpectable character; that no craftſmen ſhould engage in foreign trade; that the magiſtrates of burghs ſhould be choſen

[2] From Rymer, XII, 328, where the marriage of James is propoſed, it is evident that Margaret was dead before Nov. 1487; and the treaty of July 1486 being ſilent, rather indicates that ſhe was then alive. Drummond, 106, ſeems accurate, when he ſays that ſhe was buried at Cambuſkenneth the laſt day of February 1486-7, (not the 29th, as he puts, the year not being biſſextile.) Buchanan's arrangement of events is in concordance; and he dates at the ſame time the death of Alexander duke of Albany, XII, 55.

[3] Acts, f. v. 74—78. The perſons preſent may be found in Carm. Tracts, 73. It was prorogued to the 29th Jan. 1488, when James created his ſecond ſon duke of Roſs; and four peers, Drummond, Sanquhar, Yeſter, Ruthven; and knighted four gentlemen, among whom was William Carlyle ſon of lord Carlyle. Carm. Tracts, 72.

[4] Abercromby, the devotee of deſpotiſm, may excite a ſmile when he interprets, II, 469, *poor lieges* to imply *dutiful ſubjects*. The ſynonym is ſingular.

as

as ſpecified in a former act[5]; that ſome commiſſioners of the burghs ſhould meet once a year at Innerkeithing, to deliberate concerning commerce, and the intereſts of their towns. Theſe tranſactions were popular; and the ſtates expreſs much ſatiſfaction that the ſovereign has ſo benignly granted to them all their deſires and requeſts: but whether James really ſaw his errors, and reſolved to cultivate a new mode of government, or thoſe apparent conceſſions were extorted by his ſenſe of diſcontent, and apprehenſions of a dangerous conſpiracy, muſt be left in doubt. However this be, the lords ſpiritual and temporal, barons, freeholders, and commons, engaged, on their part, that they ſhould not ſupport the cauſe of their criminal friends, or relations, by appearing with armed followers; a practice frequent in this and the following century, and which leads to the beſt interpretation of this ſtatute: they moreover engage to contribute their aſſiſtance to the exact adminiſtration of juſtice. Several ordinances follow, ſtrongly indicative of the height of feudal anarchy, the violence of the great, and the oppreſſion of the poor: the feeble voice of the law appears to have been drowned in the public tumult, and civil order ſeems to have endured a violent relapſe ſince the death of the firſt James: the blame can hardly be aſcribed to external violence, time, or fortune; and while candour confeſſes the barbariſm of the period, and country, it muſt at the ſame time allow that the relaxation of government by the royal neglect, and the ſale of juſtice by the royal favourites, conſpired to con- 1487

[5] The act referred to, in this important ſtatute, is not evident; but it is mentioned as guarding againſt "partiality and maſterſhip," apparently the interference of peers, or great neighbouring landholders, in the election of the magiſtrates, a practice to be reprobated by ſtatutes of ſubſequent reigns. Even the act of 1469, (perhaps alluded to,) might have ſerved as ſome antidote to this interference.

ſtitute

1487 ſtitute the worſt of tyrannies, upon which a complete ſatire is authentically conveyed in the national decrees. Such was the increaſe of crimes, that Juſtices General are appointed for the diviſions north and ſouth of the Forth, to hold courts in every part of the realm with all expedition, ſupported by their own power, and what aid the king could ſpare, in order to bring tranſgreſſors to puniſhment, and to reſcue the royal authority from contempt.

In this parliament the lands of March and Annandale, which had fallen to the crown by the forfeiture of Alexander duke of Albany, earl of March, Mar, and Garioch, lord of Annandale and of the iſle of Man [6], are annexed to the regal domains; by a ſolemn deed, authenticated by the ſeals of the biſhops, abbots, priors, earls, lords, barons, freeholders, and commiſſioners of burghs. A ſtatute appears for the encouragement of ſtrangers, who import proviſions, and other merchandize: and another, appointing four perſons from each of the three eſtates, to reviſe the ancient laws.

27 Nov. The tranſactions of this year are cloſed by a ſingular indenture, ſubſcribed at Edinburgh by the Carliſe herald for England, and Snawdon herald for Scotland [7], importing that the biſhop of Exeter, and ſir Richard Edgecomb, the Engliſh embaſſadors, had agreed with the biſhop of Aberdeen, and lord Bothwell, commiſſioners on the part of Scotland, in the following manner: that, to eſtabliſh a laſting peace, three marriages

[6] Albany, and his ſon John, bore the arms of Man, as appears from the medal and ſeals of the latter. Ferrerius, f. v. 394, ſays the Engliſh ſeized Man in 1482. Yet, ſince the year 1335, that iſle is underſtood to have been ſubject to Engliſh lords; but perhaps when James in 1469 acquired the Orkneys, he revived the *claim*. If an actual conqueſt took place it is unmarked in hiſtory.

[7] Heralds, like their ſcience, have often romantic appellations. *Marchmont* was Roxburgh: *Snawdon* ſeems to have been Stirling palace. Itin. Will. de Worceſtre.

ſhould

ſhould be negotiated; between James, and Elizabeth widow of Edward IV; the duke of Rothſay, and a daughter of Edward; the marquis of Ormond ſecond ſon of James, and Catharine the third daughter of the ſame Engliſh ſovereign: and that to conclude theſe contracts, and to terminate the controverſy concerning Berwick, which the Scotiſh king ardently deſired to regain, a congreſs ſhould be held at Edinburgh on the twenty-fourth day of January next, another in May, and an interview between the kings in July [8]. This treaty evinces the ſtrong deſire of Henry VII to ſecure the amity of Scotland; and at ſame time the attachment of James to the Engliſh, laudable in itſelf, and concordant with the beſt intereſts of his kingdom; but impolitic, conſidering the period, and national prejudices. 1487

The final events of the reign of James III approach, intereſting from their novelty, and magnitude. A gradual confederacy of many nobles had long been forming againſt the feeble and deſpotic government of this monarch; but amid materials not eminent in opulence, or accuracy, amid the various intereſts and political views of modern writers, it is difficult to aſcertain the different actors in this important ſcene. There is no evidence that the congreſs, appointed to be held by the commiſſioners of England and Scotland in January, took effect; and it even ſeems that the caprice of the Scotiſh king, or ſome other cauſe, had alienated Henry, who granted a ſafe-conduct, in terms rather unuſual, to the biſhops of Glaſgow and Dunkeld, the earl of Argyle chancellor of Scotland, the lords Hales and Lyle, the *maſters*, or heirs of Darnley and Home, with one hundred and ſixty attendants [9]; not as embaſſadors, 1488. May

[8] Rymer, XII, 328.

[9] Ibid, XII, 340, May. On the 30th Jan. Henry had iſſued a commiſſion to Northumberland, to treat of peace, ib. 334. On the 2d Feb. a ſafe conduct appears to twelve perſons, not named, as envoys ſent by James, ib. In May a commiſſion

1488 embaſſadors, but for cauſes unknown, and the more extraordinary as ſome of them undoubtedly belonged to the conſpiracy, and a rational ſuſpicion muſt affect the others. On all ſides it is agreed that the former traitors, Angus and Gray, united to them[s] Home, juſtly enraged at a deſpotic violation of private property; the firſt and the laſt nobleman being the chief authors of the rebellion. The power of the Hepburns was led into it by lord Hales; and the treaſon of the lords Drummond, and Lyle, is equally unqueſtionable. Darnley, or Lennox, is obnoxious to the ſame charge, from the ſtrong teſtimony of the earlieſt narration, and from the mention of his ſon in the Engliſh paſſport; which fixes a ſtain on Argyle, the leſs eaſily to be overcome, as he alſo appears in the moſt ancient account. When it is added that to theſe great names afterwards acceded Huntley, Errol, the earl Marſhal, and lord Glamis, the impolicy of James, which could alienate ſo many chiefs, muſt appear in a ſtriking point of view; and the rebellious war of Douglas, in the preceding reign, ſinks into unimportance, when compared with this grand confederacy[t]. On the part of the king remained

commiſſion was given to two people of inferior rank, to treat of a peace; but perhaps really to negotiate with the conſpirators, ib. 340.

At Eaſter 1488 (6 April) Ramſay, lord Bothwell, was in the Engliſh court, as envoy from James. Celebr. of Eaſter 3 H7. end of Leland's Collect. Vol. IV.

[t] For the names of the peers who oppoſed James compare Ferrerius, f. 399, Leſley, (who however ſeems here to copy the former,) p. 327: Lindſay, 139, names Angus, *Evandale*, the Hepburns, (ſo underſtand his erroneous earl of Bothwell,) Home, 140, Gray, Drummond; and from p. 142 it appears that the men were chiefly borderers, whom the juſtice of James wiſhed to repreſs. It muſt be obſerved that *lord* Home is here ſo ſtyled by anticipation, as he did not bear the title till 1489, on the death of his grandfather, a very aged peer. Douglas, 344. Buchanan hardly mentions any names. The dereliction of the royal party by Huntley, Errol, Marſhal, Glamis, is evinced from the act of indemnity, Acts, f. 82. The records, and events, of the firſt year of James IV alſo

mained the earls of Crawford, Athole, Monteith, Rothes, Sutherland, Caithneſs, Buchan, the lords Forbes, Lovat, Erſkine, Maxwell, Ruthven, Kilmauris [2], and Boyd. The cauſes of the conſpiracy have already ariſen to view, in the courſe of the narration: the open pretext was that James had introduced Engliſhmen into the kingdom, with a deſign to ſubdue it to his own abſolute power, and to foreign influence [3]: the profeſſed intention, to dethrone, and impriſon James; and aſſign the royalty, or regency, to his ſon. 1488

alſo preſent veracious teſtimony. Argyle's continuance as chancellor indicates his being one of the rebels. Oliphant, who ſat on the forfeiture againſt Ramſay lord Bothwell, with five of thoſe above-mentioned, may alſo be ſuſpected: and Seton and Fleming, from Lindſay, 146. Redpath, 457, ſuſpects the biſhops of Glaſgow and Dunkeld, named in the Engliſh ſafe-conduct; as *ſpiritual* lords are mentioned in the papal remiſſion. Add that the parliament of James IV, Jan. 1489, conſtituted Glaſgow an archbiſhopric in favour of Blacader. Carm. 75. He, and Brown of Dunkeld, were of ſouthern families, attached to the Hepburns and Homes.

[2] Kilmauris was ſoon after Glencairn: Ferrerius mentions Sempil (f. 400), not yet a peerage. If we add Mar, Moray, Borthwic, Yeſter, Morton, Salton, Carlyle, Sauquhar, Hamilton, Lindſay of Byres, Innermeth, Abernethy, Kennedy, Cathcart, Haliburton, Somerville, almoſt the whole Scotiſh peerages of the time will have been named. The number little exceeds forty.

[3] Act of indemnity, Acts, f. v. 82. The charge is ridiculous, and evinces the innocence of James, and the ignorance of the rebels. See the accuſation of Buchan, 8 Oct. 1488, Carm. 77, as a ſharer in the *treaſon*, which was to bring Engliſhmen and their king into Scotland, and to ſell the country to the earl of Northumberland and *ſir William Tilder!* A ſingular obſcurity ſurrounds the events of 1488 and 1489. James probably applied to Northumberland, to aſſiſt him, by invading the borders, the inhabitants of which were his chief enemies; and hence the accuſation againſt himſelf and Buchan. Sir William Tilder is ſurely ſir William Tyler, captain of Berwick at the time, and concerned in ſeveral important negotiations. See Rymer XII, 465, 495, 532, 548, 554, 569, 572, 635. In Perkin's Manifeſto, 1496, Tyler is mentioned as one of the mean perſons employed by Henry. Carte, II, 848.

1488 Of the events which preceded the deciſive engagement, Buchanan has, contrary to his uſual practice, given the moſt ample and accurate detail, and the moſt concordant with the original records. According to that hiſtorian, James ſhewed diſtinguiſhed favour to Crawford, whom he afterwards created duke of Montroſe; and to Angus, whoſe conduct at Lauder, and attachment to Albany, he affected to forget. But the king's diſſimulation and inſincerity being known, Angus regarded this new affection as only the ſnare of his own deſtruction, and even ſuſpected that his powerful concurrence was courted againſt the peers, with a view to ſow diviſion and ruin, afterwards to recoil upon his own head. It is aſſerted that the factious nobles Jan. being aſſembled at Edinburgh, the king invited Angus to the caſtle, and propoſed to him to lend his aſſiſtance in making them priſoners. Inſtead of compliance, the earl diſcloſed the deſign to the peers, and joined them in their retreat [4].

In conſequence of this moſt imprudent confidence, after the deſertion of Angus, the chief potentate on the ſouth of the Forth, who could have aſſiſted him againſt the rebellious inclinations of the remainder, James diſtruſting the whole of that region, reſolved to paſs into the north, which remained devoted to his intereſts. With his uſual imprudence he croſſed the Forth in one of ſir Andrew Wood's veſſels, employed in the Flemiſh trade. A report immediately ſpread that the king,

[4] Buchan. XII, 56, 57. The deep ſhades of this hiſtorian are ſomewhat ſoftened. He ſays that James propoſed to Angus to aſſaſſinate the rebellious peers; but Ferrerius, 400, allows that the king had a marked averſion to ſhedding blood. The aſſemblage of the peers at Edinburgh could only have been on account of the ſeſſion of parliament, there held on the 29th Jan. in which James, as above-mentioned, created four new peers, Carm. 72, with a view to weaken the old ariſtocracy; but one of them, Drummond, ungratefully joined the rebels. On the rebellion of Douglas 1454 many new peers had been, for the ſame reaſon, created.

overcome

overcome by his fears, had quitted the realm to retire into Flanders; and amid the general conſternation the rebels took the caſtle of Dunbar, and advanced to Leith. Having iſſued orders to the array of Fife, Strathern, and Angus, to attend his ſtandard upon an appointed day, James proceeded to Aberdeen, where the northern counties eagerly poured forth their bands in defence of the royal cauſe [5]. 1488

The king now returned to Perth with his ſtandard diſplayed, and followed by Athole his uncle, by Huntley, Crawford, and many northern peers and chiefs, and by a numerous army. As he advanced David Lindſay of the Byres, who had gathered warlike experience in the campaigns of France, joined him with a thouſand horſe, and three thouſand infantry, if we credit the, perhaps, partial relation of Lindſay the hiſtorian; who adds, that the king accepted from his hands the ominous preſent of a grey courſer, more fit as would ſeem for flight than for attack. Among others who furniſhed their array, lord Ruthven was alſo remarkable, who led a thouſand gentlemen on horſe-back, provided with defenſive armour and ſpears, a thouſand bowmen, and a thouſand armed with ſwords and mail. When James had reached Stirling, he was followed by thirty thouſand men, who only wanted a leader [6].

Thus prepared he advanced againſt the rebels, who had not been deficient in their preparations. He found them near Blackneſs, on the ſouth of the Forth; and an indeciſive ſkirmiſh followed, in which Crawford, ſir Thomas Turnbull, who April?

[5] Leſley's account, 328, 329, is very defective. Ferrerius, f. v. 399, f. 400, confounds the affair at Blackneſs with that at Sauchy; and Lindſay falls into the ſame error p. 137—144; at p. 142 of his hiſtory a hiatus ſhould be marked before the paragraph, "Thus the king being in order," &c. as all before relates to the firſt encounter; all after to the ſecond.

[6] Lindſay, 140, who adds, "by commons," or excluſive of the common attendants of an army. Ferrerius, 400, eſtimates forty thouſand.

1488 bore the royal banner, and Innes of Innes, eminently diſtinguiſhed their valour. But both parties being ſenſible of the odiouſneſs of ſhedding civil blood, and dreading the abſolute deciſion of the conteſt, a negotiation commenced; the king ſubſcribed ſome unknown articles, and delivered Athole to Hales as a pledge of their accompliſhment. The armies were diſmiſſed, and tranquillity was for a very ſhort time reſtored [7]. Thus did the timidity of James loſe an occaſion never to be recalled.

The demands of the rebels appear to have been exorbitant; and James eluding or delaying their accompliſhment, the confederates gradually extended their influence, and projects, till at length they inſiſted on the king's abdication, and the ſubſtitution of his ſon in the regency, or on the throne [8].

The monarch learning this formidable deſign diſpatched envoys to France, and England, to ſolicit the immediate interference of theſe powers, by embaſſadors to mediate between him and the diſcontented ariſtocracy: but this mediation, if effected, was fruitleſs [9]. The royal heralds, ſent to ſummon the refractory peers, were treated with contempt and perſonal

[7] Even Buchanan blends with this ſingular tranſaction ſome circumſtances, palpably belonging to the events of June, as the capture of the prince by the rebels, which, if it had occurred, would have rendered the deliverance of Athole as a pledge uſeleſs, a ſuperior ſecurity being already in their hands. Nor does he hint at any conflict, though the *battle* at Blackneſs be mentioned in the creation of Crawford, duke of Montroſe, for his ſervices in "the ſaid battle," Scotſt. Cal. 18 May 1488. Rudd. Buch. I, 446. Of the ſame date is a charter to ſir Thomas Turnbull of Greenwood, who bore the king's banner. Scotſt. Cal. Of the 24th May is one to Innes of Innes, ib. of the 17th to Colleſs of Balnamone, and Somer of Balyard, confirmed March 1500. Ib. under the latter date. All are for ſervices on this occaſion. Lord Kilmauris was created earl of Glencairn; but the title died in a few weeks with its owner, and was not revived till 1503.

[8] Buch. XII, 59.

[9] Ferrer. f. v. 399. Leſl. 328. Buch. XII, 59.

injury;

injury; and their written mandates torn in deriſion. Both parties again prepared to terminate the diſpute in the field. James fortified the caſtle of Edinburgh, where the treaſure accumulated by the unwiſe avarice of many years was placed; and again ſent to ſummon the northern chiefs to his ſtandard. 1488 May

Meanwhile the conſpiring peers found means to corrupt Shaw of Sauchy, in whoſe charge the prince had been left at Stirling; and the infamous governor ſurrendered the innocent youth, who was conducted to Linlithgow, and by conſtraint was to appear guilty of a father's blood. It was artfully proclaimed that James ſought the life of his ſon, whoſe defence had called the peers to war; and the prince's name was itſelf an army. A part of the king's treaſure, which had formerly been ſeized at Leith, contributed to provide waggons for baggage and ſtores, and to attract the deſperate and the mercenary [1].

James proceeded to Stirling, to join the peers of the north and weſt, who were advancing with their troops. On his arrival the treacherous governor denied him admittance. In the north, Huntley, Errol, the earl Marſhal, and Glamis, had now deſerted the royal cauſe; and the junction of ſuch diſtant troops as continued their attachment was attended with neceſſary delay. In the impatience of irreſolution James was led to commit his fortunes to a battle. Glencairn, and other peers of the weſt, having joined the royal army, the king advanced to meet the rebels, who had paſſed the Carron; and a field, about a mile ſouth of the famous ſcene of Bannocburn, was to

[1] Lindſay, 139, 140. Buch. XII, 58. Our hiſtorians ſeem unanimous that the prince was in the hands of the faction, before the affair of Blackneſs; but ſome difficulties attend that ſuppoſition; and they, as mentioned, confound the tranſactions.

be

1488 18 June be the ſpot of this civil conflict [2]. The army of the peers was apparently ſuperior in number to the royal battalions: but the cowardice, and inſtantaneous flight, of the king terminated the action, with ſmall effuſion of blood. It was in vain to defend a cauſe thus betrayed by its patron; and the adverſe ranks ſhrunk from the horrors of mutual ſlaughter. Yet a few ſhowers of arrows had darkened the air, and the long ſpears of Annandale had made an impreſſion on his array, before James left the field: Glencairn, Ruthven, Erſkine, and a few others of rank, were ſlain; and many were wounded [3].

As the king, in his flight, was about to paſs the rivulet Bannocburn, at the hamlet of Miltown [4], a woman, who was drawing water, alarmed at his appearance, and rapidity, fled, and left her pitcher, which ſtartled the ſteed, or diſordered his career, ſo that the unexperienced rider fell from the ſaddle, and oppreſſed with the weight of his armour fainted away. A miller and his wife conveyed their unknown ſovereign into a corner of the mill; and, to conceal the ſtranger from any purſuers, they covered him with a cloth. Some time after he reſumed his ſenſes; but perceiving himſelf much hurt, and very weak, he called for a prieſt to hear his confeſſion: and to his blunt hoſts, who enquired his name and quality, his impatience anſwered, "I was your king this morning." The woman upon this ran into the road, wringing her hands, and calling aloud for a prieſt to the king. It ſo chanced that ſome of the rebels were in the neighbourhood, engaged in diſorderly purſuit; and a prieſt, one of lord Gray's followers as is ſaid, riding up, ex-

[2] It is called Little Canglar, on the eaſt ſide of Sauchy-burn. Nimmo's Stirlingſhire, 226.

[3] Ferrer. 400. Lindſay, 142. Buch. XII, 61. The date alſo appears in the chartulary of Glaſgow, MS. Harl. 4631.

[4] Nimmo, 230.

claimed,

claimed, "I am a prieſt, where is the king?" Being conducted to the place, he knew his ſovereign; and kneeling enquired if he thought he might ſurvive, by the help of ſurgery, to which James anſwered, "I believe that I might; but let me have a prieſt to hear my confeſſion, and to bring me the euchariſt." The prieſt, it is averred, heard his confeſſion; and then ſtabbed the unfortunate monarch: whoſe weakneſs deſerved a milder fate than to fall the victim of a lawleſs ariſtocracy, more inimical to public order, and proſperity, than the feeble deſpotiſm of their ſovereign [5]. 1488

On this important event ſome reflections naturally ariſe. Had James been victorious, the power of the Scotiſh ariſtocracy might have been cruſhed for ever; and, weak and deſpotic as he was, it would have been better for the people to have had one tyrant than many. But this monarch, (if we ſet the dubious murder of his brother aſide,) was more weak than vicious; and even when his feebleneſs and impolicy are mentioned, it is rather in a relative than in a poſitive view, for his conduct was chiefly blameable, becauſe ill-adapted to the ferocious times and people, which required, in the character of ſovereign, the duties of a magiſtrate, and the valour and ſkill of a general. Had James lived a century or two later, his faults would perhaps have eſcaped obſervation. But the conduct of the rebellious peers, whoſe ſanguinary luſt of power, and eagerneſs to continue their lawleſs rapine, oppoſed the ſon in open combat againſt his father, that laſt infamy of civil war, cannot be too ſeverely reprobated. They excite horror, while the monarch attracts a reverential compaſſion. Loyalty, in ſome caſes only the virtue of a ſlave, is in many the trueſt patriotiſm;

[5] Ferrer. f. 400, Leſley, 329, Lindſay, 143, 144, Buch. XII, 61. Nimmo, 230, ſays the houſe, where this atrocious deed was committed, is ſtill in exiſtence, and is called Beton's miln, probably from its proprietor at the time.

and

1488 and it is no wonder that men of eminent ſenſe and integrity have manifeſted an attachment to the houſe of Stuart, approaching even to enthuſiaſm. For its intereſts, in oppoſition to thoſe of that wild, ignorant, and ferocious ariſtocracy, which long continued to diſgrace Scotland, were thoſe of the country at large. The exuberant power of the peers, ever eager to gratify their private ambition at the expence of the nation, was the ſole ſpring of the noted misfortunes of the houſe of Stuart. A long reign[6], a ſtable government, would have circumſcribed their ruinous ſway, would have prevented their plans of public plunder; and they ſighed for a minority, a regency, the peculiar ſeaſon of their arrogance, of their ſpoil. The regency of Robert duke of Albany had taught them the ſweets of ſharing the royal power, domains, and revenue; and had contributed to the ſeparation of their intereſts from thoſe of the monarch, whoſe influence reſted on their ſupport, and whoſe limited wealth and authority could little withſtand their continued encroachments. Yet by uncandid or ſuperficial obſervers, the deſire of our kings to reſume their juſt magiſtracy, and to enforce equal laws, has been interpreted as a deſign to overturn the ariſtocracy, while the royal meaſures were ſolely thoſe of defence. But as the peers really poſſeſſed the chief power, it is no wonder that hiſtorians living at the period, flattered, as uſual, the leading authority; and have diffuſed over their pages calumnies againſt their ſovereigns, eaſy to form and difficult to eradicate. In England, and in France, the fall of the ariſtocracy about this time was occaſioned by

[6] It is remarkable that ſome hiſtorians hint that James IV fell not at Flodden, but by the hands of ſome one of his peers; and perhaps a theoriſt might infer that the cannon which deſtroyed the ſecond James was not overcharged without deſign. But the deaths of James I, the III, the V, were cauſed ſolely by the ariſtocracy.

chance,

chance, by the revolution of human affairs; in the former country by the wars of York and Lancaſter, in which moſt of the ancient noble families periſhed; in the latter by a ſimilar deſtruction in the ſtruggles againſt England: no power of the ſovereign could have effectuated ſo vaſt a plan, even in thoſe more civilized countries: and to impute ſuch a deſign to the ſucceſſive princes of the houſe of Stuart, ſeems the exceſs of ſyſtem and theory, the bane of hiſtorical veracity. 1488

James III fell the victim of the ambition of others, and not of his own. He had held the ſceptre nearly twenty-eight years, though his age amounted not to thirty-ſix. His iſſue were James his heir; a ſecond James marquis of Ormond, and afterwards duke of Roſs, and archbiſhop of St. Andrews; John earl of Mar. No female progeny ſurvived to repreſent the graces, or mild virtues, of their mother [7].

[7] Crawf. Stuarts, 43, corrected by Stewart's Gen. 79.

# BOOK IX.

## A RETROSPECT OF THE STATE OF SCOTLAND, DURING THE REIGNS OF JAMES II, AND III.

*Sect.* 1. *State of the people, and of civilization*—2. *Government, laws, tactics*—3. *Agriculture, useful arts*—4. *Commerce, money, navigation*—5. *Ecclesiastic history, literature, language*—6. *Ornamental arts, manners, dress.*

### SECTION I.

*State of the people, and of civilization.*

1437—1488 THE origin, and progress, of civilization seem more to depend on fortuitous circumstances, than upon any exertion of human power, or wisdom. In India, and Egypt, countries distinguished by the first dawn of science, the natural fertility of the soil redeemed much time from labour; and gave leisure to the mind to build speculations of knowledge and improvement, of art and luxury. Yet that much depends upon the ability of the governors, may be judged from the example of the lawgivers of antiquity, and of Peter the great, and others in modern times.

No

No theme can be more important than the means of diffuſing civilization in a barbarous country, yet the richeſt libraries will be found to preſent no diſquiſition on this grand topic. Sir Walter Raleigh has obſerved that "the wiſdom of one age is the fooliſhneſs of another;" and the remark is peculiarly verified in the labyrinths of fruitleſs ſcience, while the paths of uſeful knowledge are ſeldom explored. Many eminent writers have recently reviewed the progreſs of ſociety, from the foreſt to the city, from the feeble canoe to the wooden fortreſs which conveys a thouſand mariners, and thunders its mandates in the moſt diſtant ſeas: but the ſacred plans of improving whole nations, of educating the barbaric mind to induſtry and peace, of ſpeedily advancing a community from rudeneſs to refinement, have not yet attracted the attention which their high importance demands. The very theory would afford uſeful views, and expand political and moral knowledge: but leaving this vaſt theme to the ſedulous labour of philoſophy, the preſent object only warrants a few brief reflections. 1437—1488

Amid the various queſtions concerning government, it has rarely been diſcuſſed to what particular ſtages of ſociety the different forms are beſt adapted. One of the chief intentions of government, and ſociety, is to advance the national wiſdom and proſperity; and it ſeems a ſelf-evident propoſition that a democracy of ſavages, or barbarians, would be a mere anarchy; and that equality of ignorance, and equality of miſery, would be among the moſt ſacred rights of its conſtitution. As the advantages of laws would be unknown, it would be vain to expect a lawgiver to ariſe; and the more ſagacious could only conſolidate the maſs by the cement of ſome degrading ſuperſtition, in itſelf the very ſtrongeſt obſtacle to knowledge and improvement. But the habits of man forbid ſuch a ſtate

1437—1488 to exiſt, except in theory; and an ariſtocracy of chiefs and of prieſts, of ſtrength and of wiſdom, is the earlieſt ſtage of ſociety yet diſcovered in any country. Even here the ſmallneſs of the communities, their jarring intereſts, their continual conflicts, preſent an inſuperable barrier to improvement; and ſuch is the path of providence in drawing good from evil, that the firſt tyrant who overcomes all the others, and uſurps the ſtyle of monarch, may be hailed as the father of his country. Superſtition, the execration of civilized nations, is in this ſtage moſt uſeful, as uniting the people in one great body politic, and as aſſiſting the imperfection of the laws. The blended tribes aſpire to be a nation, the government aſſumes a ſtable form; the monarch muſt employ the moſt able men in the country, or invite foreign talents, to render his authority laſting and reſpectable; and the court thus becomes a focus of civilization, which muſt enlarge the more rapidly in proportion to the aſcendancy of the regal power. Uncivilized nations may be regarded as in a ſtate of infancy, incapable of judging what is for their benefit; and exertions, even of deſpotiſm, to render a nation more happy, may, it is believed, be pardoned by the warmeſt advocate for univerſal democracy.

Such have been the uniform ſteps of civilization, in all ancient and modern nations. The democracies of Greece had paſſed through the ordeal of monarchy: and if the republican form of government be ever found convenient and durable, in a large country, even after the invention of repreſentation, it muſt be when the national character has been enlightened, and improved in a ſuperlative degree.

No error can be more fatal to the balance of hiſtorical truth, than the eſtimation of ancient times by modern ideas. An inſtitution, eminently uſeful at one period, may at another become moſt pernicious; and the bane of one epoch may become

come the felicity of another. While in a barbaric country the regal power forms the chief engine of civilization and proſperity, and an ignorant ariſtocracy the grand obſtacle to theſe important ends, in a more advanced period an enlightened ariſtocracy may diffuſe multiplied rays through the national maſs, and kindle the flame of induſtry and improvement in the moſt remote corners of a wide empire: may by their preſence and example vanquiſh prejudices, irradicable by the laws or regal power, or by any democratic ſcheme, in which the people may aſſert their right to ignorance and fanaticiſm. In ſhort, whatever form of government moſt promotes domeſtic comfort, and univerſal proſperity, during any particular period of the national progreſs, may be regarded as the moſt eligible, without attention to any univerſal theory, or predilection for particular conſtitutions. A barbarous commonwealth (if ſuch ever exiſted without an ariſtocracy) could only become enlightened by the conqueſt of civilized ſtates: Sparta, and Poland, loudly proclaim the diſadvantages of an ignorant ariſtocracy, deſtructive of all art, ſcience, and national advancement: that deſpotiſm is the worſt of all forms for a civilized people, the deſolated regions of the eaſt murmur with a melancholy echo. 1437—1488

The ſtate of Scotland continues to preſent a conſiderable degree of barbariſm during the reigns of James II and III. The laudable efforts of the firſt James, to introduce public order, were followed by fatal minorities, and confuſions; and the ariſtocratic ſtorms again ruined the welfare of the community. In impreſſive language Bowar, who flouriſhed in the minority of James II, bewails the miſery of his country. "Long appears to us, O king, the time of thy arrival at majority, when thou mayeſt be able to deliver us, confounded as we are with daily tyranny, oppreſſed with rapine and ſpoil; when

1437—1488 when thou mayeſt dictate laws, and exerciſe juſtice, that the poor, who among us have no helper but God and thee, may be freed from the hand of the powerful. Mayeſt thou remember that thou art a legiſlator in order that thou mayeſt cruſh the robber, and reſtrain thoſe who deal in rapine." "The groans of the humble, and the miſeries of the poor, whom I myſelf, who write this, have ſeen this very day, in my own neighbourhood, ſtripped of their garments, and inhumanely deſpoiled of their domeſtic utenſils, conſtrain me to exclaim with him who ſays, 'I have ſeen the injuries which are done, the tears of the innocent, and no comforter; and that the deſtitute cannot reſiſt violence. I have praiſed the dead more than the living: and happier than both have I eſteemed the unborn, the ſole ſtrangers to the evils of this world.' And in another paſſage, comparing the reign of James I with his own times, "Woe to us miſerable wretches, expoſed to rapine and injury, how can we endure to live, who enjoyed ſuch proſperity in the days of that moſt illuſtrious king, and now by a ſad change of fortune experience the complete reverſe[1]!"

It is remarkable that this contemporary author clearly indicates the monarch as the legiſlator, a circumſtance which confirms the idea formerly advanced that the king and his council prepared the laws, which afterwards received the ſanction of parliament. Nor did James II fail in the hopes which Bowar entertained; for numerous are his laws calculated for the advantage of the poor. The preceding pages preſent the more memorable ordinances, but a brief recapitulation may not be improper. The ſtrict obſervation of univerſal internal peace, with the privilege of demanding a ſurety from the turbulent; the equal adminiſtration of juſtice; the puniſhment of thoſe

[1] Cont. Fordun. 473, 474, 512.

who

who aſſiſt infringers of the law: the ſecurity of leaſes, for the ſafety "of the poor people who labour the ground," whatever change of lords might happen: the privilege to farmers of church lands, not to be expelled on a vacancy of the benefice: the ſevere decrees againſt deſpoliation [2]. A ſingular act merits tranſcription; "It is ſtatute and ordained, for the away-putting of ſornars, over-lyars, and maſterful beggars, with horſe, hounds, or other goods, that all officers, ſheriffs, barons, aldermen, baillies, as well within the burgh as without, take an inquiſition at every court which they hold concerning theſe matters: and if any ſuch perſons be found, that their horſes, hounds, or other goods, be eſcheated to the king; and their perſons ſecured till his will be known. And alſo that the ſheriffs, baillies, and officers, inquire at every court, if there be any pretended fools, bards, or other ſuch like vagabonds; and if any be found, that they be put in cuſtody, or in irons, for their treſpaſs, as long as they have wherewith to live, and when they have not, their ear to be nailed to the trone, or a tree, then cut off, and they baniſhed the country; to which if they return, they ſhall be hanged [3]." This forcible lodging of ſome of the pretended great, and idle, upon the poor, was a notable grievance; and they are deſervedly placed with contempt in the ſame ſtatute which condemns pretended fools, and highland bards. By another ſtatute theſe *ſornars* are puniſhed with death. The country, though long ſince delivered from ſuch oppreſſive lodgers, ſtill claſſes ſturdy beggars among its grievances [4]. 1437—1488

[2] Parl. 1450, 1469, &c. The privilege to farmers of church lands occurs in a charter of 1450. Harl. 4631, Vol. I. [3] Parl. 1450, c. 21.

[4] See the valuable Statiſtical Account of Scotland, by Sir John Sinclair, *paſſim*.

This

1437—1488 This prince alſo regulated the cuſtoms exacted at fairs, but apparently not with a ſufficient liberality to trade. James III juſtly extended the prohibition, and forbad any exaction from the poor who carried their little articles to the fairs[5]. *Jean Bonhomme* has, in all ages, left a great part of his fleece, either on the brambles of ariſtocratic oppreſſion, or ſhorn by the poliſhed ſcizzars of taxation, often only a circuitous mode of oligarchic avarice and extortion. The regulation of the hoſpitals for the ſickly poor, and other ſtatutes of humane import, confer honour on the intentions of the legiſlature.

James III ordered copper coin to be iſſued, for the convenience of the indigent; that on account of the holidays "and divine ſervice," no diſtreſs for rent ſhould take place, till three days after Whitſunday and Martinmas: that the proprietors of ferry-boats be reſtricted to certain freights: that perſons advancing to the army refrain from injuring graſs, or corn[6].

Of the laws concerning the burroughs, paſſed in theſe two reigns, ſome account has already been given in the hiſtorical narrative. The municipal authority became an oligarchy in the reign of James III, on pretence "that great contention had ariſen, through the multitude and clamour of common ſimple perſons[7]:" and this form was unhappily to continue, becauſe a few are more eaſily influenced by government, than a great number. But it is ſurely the genuine intereſt of a government to ſtand upon as wide a baſis as poſſible: and for the ſake of a few to render a number diſcontented, cannot be an act of political prudence.

Edinburgh is, at this period, by an Engliſh contemporary hiſtorian ſtyled a very rich town[8]. The city and barony of Glaſgow

[5] 1469, c. 34. [6] 1469, c. 35. 1474, c. 62. 1481, c. 82.

[7] 1469, c. 30.

[8] Cont. Ann. Croyland ap. Gale, Vol. I, p. 563, "ditiſſimum oppidum." The author blames Glouceſter for not ſacking it in 1482; while he took Berwick,

Glaſgow were, in 1450, granted to the biſhop, and his ſuc- 1437—
ceſſors, blanch for a red roſe: and archbiſhop Beton was to 1488
date "from my city of Glaſgow[8]." But the proſperity of the latter city was to commence during the uſurpation of Cromwell.

A poem written in the latter part of the reign of James III, or beginning of that of James IV, preſents curious intelligence concerning the manners of the citizens[9]. A queſtion is propoſed, Why the wealth of burgeſſes commonly expires with their immediate heirs? The reaſons aſſigned are, that their fathers begin in rigid poverty, "with good luck, and a halfpenny, and a lamb's ſkin;" then proceed to the ſituation of a pedler, who, when his pack becomes worth forty Scotiſh pounds, buys a large horſe, then a cart. The next ſtage is a ſhop in town; with a counter, cheſts, and Flemiſh coffers. He becomes a merchant, and goes to ſea with exports and imports; marries a rich wife; his cupboard of plate is worth three thouſand pounds; his gowns and other garments are gay, ſilk on ſundays, green or grey cloth at other times; while his wife is arrayed in ſcarlet. He dies; and his heir ſucceeds to opulence unacquired by labour. The ſon is nurtured in luxury, wears rich rings, and is diſguſted to hear that his father ſold ſheep-ſkins: keeps many ſervants, ſpends his time in the tavern, or playing at *hazard*; till ſinking into penury, he become the follower of ſome lord's ſon at court.

wick, which coſt England annually 10,000 marks, "perditio non acquiſitio." The remark of this old writer on *benevolences* is curious: "ubi per benevolentiam quilibet daret id quod vellet, imo verius quod nollet," p. 558.

On the 16th April 1452, the king, for the friendſhip he bore to the earl of Orkney, exempted Edinburgh from the cuſtoms on ſalt. Scotſt. Cal.

[8] Scotſt. Cal. and ſee reign of James V.

[9] The Tales of the Prieſts of Peebles, in Scarce Scotiſh Poems reprinted, London 1792, Vol. I. p. 9.

1437—1488 In the ſame poem the maladminiſtration of juſtice is repeatedly mentioned, as a chief cauſe of the oppreſſion of the poor. The coroners, the juſtices, the ſerjands or mairs, derived their impious emoluments by extortion, on various pretexts, from the more thriving yeomen, till they reduced them to poverty, or forced them to leave their juriſdictions, when their ſucceſſors ſuffered the ſame fate. Bribes alone could ſecure an audience; an honeſt farmer would be accuſed of theft, or rapine; and the fine impoſed was meaſured by the proſperity of his induſtry [2]. The very laws intended for the protection of the poor were converted into inſtruments of their oppreſſion; while the repeated ſtatutes for the due adminiſtration of juſtice were eluded during the regal ſway, and fell aſleep during a minority. Even ſo late as Mary's reign, the balance of juſtice was commonly uſed in weighing which bribe was heavieſt. It was reſerved for England to ſet the firſt example to the world, of complete and impartial juſtice, one of the chief bleſſings of civilized ſociety: and though the expence of the law be great, that of a potent bribe might far exceed it, while equality of wealth could alone ſecure an equitable deciſion.

The Burgundian hiſtorian, in deſcribing the marriage of Mary of Gelder, mentions the manners and dreſs of the common people as very rude. "There are even," ſays he, "many among them who ſeem to be altogether ſavages [3]." The contraſt between a poliſhed Burgundian, of the moſt ſplendid court in Europe at the time, and a Scotiſh highlander, muſt indeed have been ſtriking.

Of this barbariſm the want of education was a chief ſource; a defect which Scotland has ſince ſupplied, in a moſt laudable

[2] Ibid. p. 12, 24, &c.

[3] De Coucy, at the end of the hiſtory by Jean Chartier, Paris 1661, folio, p. 575.

manner,

manner, by innumerable ſchools, where the mind may be cultivated at an expence acceſſible by the moſt indigent. It is only to be regretted that ſo little attention is paid to the ſalaries of the humble teachers; who, while their income ought not to raiſe them above their office of educating the poor, ought however to be enabled to preſerve the eaſe, and reſpect, due to ſo uſeful an order of men. 1437—1488

The dreſs of the common people continued a long time in the ſtate deſcribed in the former retroſpect. The ſumptuary law of James II ordained that no burghers, except bearing a municipal office, ſhall wear gowns of ſilk, or ſcarlet cloth, or decked with *mertrick* furs. The regulation is extended to their wives, and daughters; who are moreover to uſe no gowns with long trains, except on holidays; and to wear "ſhort kerchiefs with little hoods, as are uſed in Flanders, England, and other countries." Inferior barons, and gentlemen are alike reſtricted. None of the clergy are to wear gowns of ſcarlet, or *mertrick* furs, except they be dignitaries of a cathedral, or collegiate church, or doctors; or ſuch as may yearly ſpend two hundred marks, or Engliſh nobles. And with regard to the commons, "that no labourers, nor huſbandmen, wear on the work day other than grey or white; and on the holiday only light blue, green, or red: and their wives the ſame, and kerchiefs of their own making: and that it exceed not the price of forty pence the eln. And that no woman come to church, or market, with her face *muffalled*, or covered, that ſhe may not be known, under the penalty of forfeiting the head dreſs [*]."

[*] 1458, c. 70.

## SECTION II.

### *Government, Laws, Tactics.*

1437—1488 TO the information already preſented on theſe ſubjects, in the preceding retroſpect, and in the courſe of the narrative, the abundance of materials may preſent large and important additions.

The able contemporary Forteſcue, in his treatiſe on the *Dominium Regale* and the *Dominium Politicum et Regale* [5]; the former a government in which the king makes the laws, or abſolute monarchy; the ſecond when he rules by the laws made by the people, or limited monarchy; claſſes Scotland under the latter deſcription. "The king of Scots," ſays he, "reigneth over his people by this law, to wit *regimine politico et regali.*" He then proceeds to ſhew the miſery of France, becauſe the laws were made, and taxes impoſed, without ſummoning the three eſtates of the kingdom: that cowardice alone preſerved France from inſurrection, while the Engliſh being rich never aroſe, except againſt injuſtice [6]; and their liberties being ſecured by parliaments, induſtry and wealth followed. After diſcuſſing the revenue, and expences, of England, among the latter of which he mentions the borders towards Scotland, and the garriſon of Calais as exorbitant articles, he obſerves that the nobles of France were ſo powerful, that no authority dared to tax them; and that great danger would ariſe if England permitted ſubjects to attain ſuch preeminence. He adds

[5] MS. Harl. 1757, and printed at London 1714, 8vo. but his whole works deſerve republication.

[6] The *gens de guerre* ruined the French commons. Jaligny, 409.

that

that the king of Scots who laſt died, had only from apprehen- 1437—
ſions of his rebelling expelled Douglas, "whoſe livelihood, 1488
and might, were nearly equivalent to his own." In this the venerable chief-juſtice was miſinformed, as the reader has ſeen that more than apprehenſions exiſted.

It has already been remarked that in the treaty with France 1484, it was agreed that on a failure of immediate heirs, the ſucceſſion to either crown ſhould be determined by the prelates and nobles. By an act of 1466, it was decreed that the dowry of the future queen ſhould be "a third of the king's *rents of aſſize*, that is to ſay of lands and cuſtoms ONLY [7]." This would ſeem to imply that the dower of Mary of Gelder had extended to one third of the whole royal revenue.

A moſt important topic, the conſtitution of the Scotiſh parliament, has been reſerved for this epoch, as a centrical point, upon which the various information bears. Only deſultory knowledge could have been acquired, by dividing the minute authorities into different periods; and the intereſting nature of the ſubject will excuſe ſome length in the diſcuſſion. Till the year 1587, when the repreſentation of the ſhires was fixed and aſcertained, there is hardly a variation in the model of the Scotiſh parliament: and the preſent view will of courſe anticipate a century, as well as revert to the records of preceding ages. Nor till the preſent period are the collective materials ſufficiently ample, to authoriſe accurate diſquiſition; though the ſtatutes themſelves aſſume a regular form, at the commencement of the actual reign of the firſt James.

Reſerving till another place any remarks on the two ſuperior ſtates of the kingdom, the clergy and barons, it ſhall here be obſerved that the burgeſſes are firſt mentioned, ſo far as our

[7] Cap. 2.

imperfect

1437—1488 imperfect records afford positive evidence, in the year 1326[8]. Whether they appeared before, is rather a question of antiquarian curiosity, than of real importance; and the cause of enlightened freedom requires no support from the barbaric usages of dark ages. Suffice it to observe that, as all the freemen of a burgh could not appear in parliament, they selected persons for that purpose, and instituted the first example of REPRESENTATION, that grand secret of modern government, and which forms a basis of liberty unknown to all the ancient states.

The able reign of Robert the great was unhappily followed by the disturbed minority of his son David II. Yet the reign of this feeble prince presents some documents concerning the state of parliament, which shall here be mentioned, as unknown to former writers, and as preparatory to the consideration of the national council, under his successors of the Stuart family.

In the parliament held at Perth, on the thirteenth of January 1365, the names of the members are given, forming, it is believed, the earliest example of what is called *the roll*. The bishops are followed by the abbots of Dunfermlin, Arbroth, Paisley, Scone, Kilwinning, Coupar. Among the peers is John Stuart lord of Kyle. After many knights, are twelve persons without designation, and a general clause of "the other persons usually called:" nor are the commissioners of the burghs specified[9].

The general council at Scone, 20th of July 1366, consisted of the bishops, abbots, priors, free-tenants *in capite*, "and

[8] Abercr. I, 635, from a grant of a tax in the Advocates library. Robertson I, 79. Wight on parliaments, Edin. 1784, 4to, 405.

[9] 4to. Register, f. v. 40, in the State Paper office London, when perused by the author some years ago; now, as he is informed, in a more appropriated repository the Register Office at Edinburgh.

from

from each burgh certain burgeſſes ſummoned for eſpecial reaſons[1]." In that held at the ſame place, on the 27th of September 1367, the *three communities* of the kingdom being called, "certain perſons were choſen by them to hold a parliament, leave being given to the others, on account of the harveſt ſeaſon, to return to their homes." From the clergy were ſelected ſixteen; from the lords fourteen, at the head of whom is the Steward; and there were abſent, from contumacy, the earls of March, Roſs, and Douglas. The burghs are only Edinburgh, Aberdeen, Perth, Montroſe, Haddington, and Linlithgow; their ſelected delegates thirteen. The object of diſcuſſion was the royal revenue: and the king is empowered to ſend embaſſadors, and levy the expence by a tax, without recourſe to another parliament[2]. 1437—1488

In that of Perth, 6th of March 1368, a few were contumaciouſly abſent; but by the conſent of the *three communities*, on account of the inconvenience and ſcarcity of the ſeaſon, "certain perſons were elected to hold the parliament, leave being given to the others to return." Seven biſhops, and nine others, are choſen for the clergy; among the latter are William Biggar rector of Errol and chamberlain of Scotland, and the *procurators* of the biſhops of Aberdeen and Roſs; but as it was found that fewer were ſufficient, the number was abridged. For the barons are the Steward, the earls of Mar and March, and the *procurator* of earl Douglas, with thirteen landed gentlemen; and eight others, perhaps for the burghs[3].

At the parliament of Scone, 12th June 1368, appeared "the prelates, lords, and burgeſſes, who would or could be

[1] Ibid. f. v. 44, "qui ad hoc fuerunt *ex cauſa* ſummoniti."

[2] Ibid. fol. v. 50.

[3] Ibid. fol. 52. The excuſe is in theſe words, "propter importunitatem et cariſtiam temporis."

perſonally

1437—1488 perſonally preſent; others repreſented by their *commiſſaries*; others being abſent from contumacy." Among other acts, it was ordained that all proceſſes of appeal be preſented to the chancellor, before the meeting of parliament; and that the parties ſhould appear in the parliament next following to hear the deciſion [4].

In the laſt general council recorded of David II, and held at Perth on the 18th of February 1370, the burgeſſes preſent are mentioned to have been ſpecially ſummoned for certain cauſes. Of the lords three were abſent from contumacy, Mar, John of the Iſles, and *Gilleſpic Cambel* [5].

The model of this noted parliament being imitated by the kings of the Stuart line, as mentioned in their ſtatutes, it is proper to lend it due illuſtration. The preamble bears that, as the chief purport of this general council was to conſider the ſtate of the realm, the royal revenue, and ſome points relating to the adminiſtration of juſtice, it was *not expedient* that all the members ſhould attend: for which reaſon ſome were elected, "BY THE GENERAL AND UNANIMOUS CONSENT AND ASSENT OF THE THREE COMMUNITIES ASSEMBLED, to order thoſe things that concern common juſtice, ſuch as the contradicted judgments (or appeals,) queſtions, and other complaints, which ought to be diſcuſſed and determined by parliament. And others were elected, by the SAME CONSENT AND ASSENT OF THE COMMUNITIES, to treat and deliberate on certain SPECIAL, and SECRET, affairs of the king and kingdom, before they came to the knowledge of the ſaid general council [6]."

For

[4] Ibid. f. 54. "Aliis per *commiſſarios* comparentibus." The term is here applied to procurators in general. [5] Ibid. f. v. 55.

[6] Ibid. "PER GENERALEM ET UNANIMUM CONSENSUM ET ASSENSUM TRIUM COMMUNITATUM CONGREGATARUM, ad ea quæ concernunt commu-

nem

For the matters concerning the adminiſtration of juſtice were choſen ſix of the clergy; ten knights, and four others, for the barons; and ſeven burgeſſes. 1437—1488

For the ſecret affairs three clergy; and ten others, among whom the Steward, and the earls of Carrick and March are firſt named, and the laſt is Duncan Wallace, "one of the *attorneys* of the earl of Douglas." It is ſpecially added that the king may name any others.

This, as far as appears, was the very firſt inſtitution of the famous LORDS OF THE ARTICLES, originally only a committee for ſecret affairs, ſelected by the voice of the whole legiſlative body. But the power aſſigned to the king, of adding any members he thought proper, led to great abuſes.

After the acceſſion of the houſe of Stuart the earlieſt memorable parliament is that of Scone, 2d March 1372, in the firſt year of Robert II. The burgeſſes preſent continued to be ſpecially ſummoned, *ex cauſa*, for a certain cauſe. And as the general council is held for purpoſes relating to the king and realm, and the adminiſtration of common juſtice, "in imitation of the order and method which were obſerved in the parliament held at Perth, in the time of king David of venerable memory, and of his reign the fortieth year," [18 Feb. 1370,] ſome were choſen BY THE GENERAL AND UNANIMOUS CONSENT AND ASSENT OF THE THREE COMMUNITIES, for matters concerning common juſtice. And others, "BY THE CONSENT

nem juſticiam, videlicet judicia contradicta, queſtiones, et querelas alias, quæ per parlamentum debuerant terminari, diſcutiendas et determinandas. Et alii, PER EARUNDEM CONSENSUM ET ASSENSUM COMMUNITATUM, electi ad tractandum et deliberandum ſuper certis et SPECIALIBUS, et SECRETIS, Regis et Regni negotiis, antequam veniant ad notitiam dicti conſilii generalis."

Lord Pitmedden, about the beginning of this century, had made ſome inaccurate extracts from this invaluable regiſter, and the above is among them. See lord Hailes's Annals, II, 262.

1437—1488 AND ASSENT OF THE SAID COMMUNITIES, to treat and deliberate on certain SPECIAL affairs of the king and kingdom, before they come to the knowledge of the general council." The other members were diſmiſſed. For the names of thoſe choſen we are referred to another regiſter. It is remarkable that in this parliament the plea of ſecrecy is omitted; and the lords of the articles are only choſen for SPECIAL affairs [7].

The parliament of Robert III, in February 1401, only bears that there were preſent the biſhops, [abbots] priors, dukes, earls, barons, "freeholders, and burgeſſes who hold of our lord the king *in capite* [8]." But that the inſtitution of the lords of the articles continued an inveterate uſage, appears from the parliament of Perth, 26th May 1424, the firſt of James I [9]; and the firſt, it is believed, in which the ſtyle of the ARTICLES appears; and from numerous ſucceeding parliaments. It is alſo certain that the uſage of diſmiſſing the other members, after the committees of juſtice and of the articles had been ſelected, was continued to the parliament of 1424, if not long after: ſo that the prolongation of the ſeſſion, after the appointment of theſe committees, was a mere ſtretch

[7] Ibid. f. v. 58. "Imitando videlicet ordinem illum et modum, qui ſervabatur in parlamento tento apud Perth, tempore venerandæ memoriæ domini Regis David, anno regni ipſius quadrageſimo."..... "Et alii, PER CONSENSUM ET ASSENSUM EARUNDEM COMMUNITATUM, electi ad tractandum et deliberandum ſuper certis SPECIALIBUS Regis et Regni negotiis, antequam perveniant ad notitiam concilii generalis."

The ſtatutes of David II are inaccurately copied in a bad hand; but the writing of thoſe of Robert II is greatly improved; whence this paſſage ſerves to illuſtrate the genuine reading of the former. [8] Apud Skene Reg. Maj.

[9] Acts edit. 1566, fol. 1. "electæ fuerunt certæ perſonæ ad articulos datos per dominum Regem determinandos, data cæteris licentia recedendi." Before they were only to treat and deliberate; now to *determine*.

of

of the prerogative, as well as the latter corrupt mode of chuſing the lords of the articles. At what preciſe epoch the committee of juſtice was divided into two, 1 *ad judicia*, or of judgments in criminal caſes, and 2. *ad cauſas*, or of civil cauſes and lawſuits in the laſt appeal, does not appear: but ſuch was the method in the reign of James III [1]. Yet even at this period the lords of the articles were modeſtly named laſt, after the two former committees had been appointed; not firſt, as was afterwards the uſage, when the lords of the articles were named by the influence of the court, whoſe demands uſurped a preference over the adminiſtration of juſtice. 1437—1488

The ſteps that led to this radical alteration of the conſtitution of the Scotiſh parliament, which was at firſt to preclude the power of debate, by only requiring the ſanction of a full parliament to decrees already adjuſted; and was afterwards to make that aſſembly a mere inſtrument of the crown; deſerve particular inveſtigation. The chief cauſe was the indolence and avarice of the members, who regarded their attendance in parliament, to which they were not only bound by their tenures, but under a fine of ten pounds for abſence, as a moſt heavy conſtraint and intolerable burden. Even in England at this period committees were frequently appointed and leave given to the other members to depart [2]. The ſole diſtinction was, that in Scotland the cuſtom by a political ſoleciſm remained, while the parliament itſelf continued in full ſeſſion. This apparently ſlight difference, and the equally ſlight circumſtance, that in England the members were too numerous to meet in one room, decided the deſtinies of the two king-

[1] Records of Parliament, Regiſter Office, *paſſim*.

[2] See Rolls of Parliament. Edward III, in 1340, ordered that in every parliament a prelate, two earls, and two barons, ſhould ſit to judge appeals. 14 E. 3 cap. 5. Barrington on the Statutes, p. 244. And ſee Wight, 98.

1437—1488 doms. England had a free parliament for diſcuſſion, and a houſe of commons: Scotland an influenced parliament for aſſent, and her commons were overpowered by the preſence of the ſuperior orders.

From the advantage which was afterwards taken of this inſtitution of lords of the articles, it would ſeem a device of ſome cunning Auguſtus, to ſap the freedom of his country. It was, on the contrary, the mere product of chance and weakneſs. The appointment of committees, and diſmiſſion of the other members, in September 1367 and March 1368, the firſt on account of the harveſt, the ſecond an unexpectedly ſevere ſeaſon and ſcarcity, evince the progreſs of chance: and the character of David II, and his hatred, at the time, to the Stuarts, who were to be the heirs of his power, ſhew the want of deſign. The unanimous conſent and aſſent, of the whole three eſtates aſſembled, teſtifies that they exulted in their deliverance from the ſlavery of attending in parliament, and regarded the eighteenth day of February, thirteen hundred and ſeventy, as a jubilee of freedom!

The ſubſequent ſtatutes, which illuſtrate the conſtitution of parliament, are far from numerous. The moſt memorable is the next in chronological order, that of James I, in March 1428[3].

"The king, with conſent of the whole general council, has ordained that the ſmall barons, and free-tenants, need not come to the parliament, or general council, provided that each ſheriffdom ſend two, or more, wiſe men, choſen at the head court of the ſheriffdom, according to its extent, except the ſheriffdoms of Clackmanan and Kinroſs, which may only ſend one member for each.

[3] Acts, f. v. 17.

"Theſe

" Theſe members ſhall be called Commiſſaries of the ſhire: and, by theſe Commiſſaries of all the ſhires ſhall be choſen a wiſe man, and expert, called the Common Speaker of the parliament, who ſhall propoſe all and ſundry neceſſities and cauſes, pertaining to the Commons, in the parliament or general council [4]. 1437—1488

" The Commiſſaries ſhall have full and entire power from the reſt of the ſheriffdom, teſtified by the ſeal of the ſheriff, and thoſe of ſeveral barons of the ſhire, to hear, treat, and finally to determine, all cauſes to be propoſed in the council or parliament.

" Which Commiſſaries, and Speaker, ſhall have their expence defrayed by thoſe of each ſhire who owe appearance in the parliament or council, an equal aſſeſſment being laid on every pound of rent, except thoſe of biſhops, abbots, priors, dukes, earls, lords of parliament, and *banrents*, whom the king directs to be ſummoned and admitted to parliament by his ſpecial precept."

Such is this remarkable ſtatute, the intentions of which are ſuppoſed never to have been fulfilled till 1587; when it was revived and enforced, and the firſt regular repreſentation for counties commenced in Scotland. It is evident that this great monarch wiſhed to eſtabliſh a Houſe of Commons, on the Engliſh model, and to lay the foundations of genuine liberty, by dividing the landed gentlemen from the peers, and thus ſtrengthening the third eſtate, which only conſiſted of a few burgeſſes, unable to contend againſt the whole landed intereſt united, a French *nobleſſe*, inſtead of a diſtinct order of noble-

[4] The *Common Speaker* is a mere abbreviated phraſe for the *Commons' Speaker*, or Speaker of the Commons. It could never be intended that a commiſſioner of the ſhire ſhould ſupplant the chancellor, and become *general* ſpeaker of the parliament.

men

1437—1488 men like thoſe of England. But when this act was revived in 1587[5], the clauſe concerning the Common Speaker, or Speaker of the Commons, was carefully omitted: and thus the chief intention was eluded, and the commiſſaries of the ſhires, and burghs, continued to ſit in the ſame houſe with the peers.

It has already been obſerved in the hiſtorical narrative that, in 1458, it was enacted that no freeholder ſhall be conſtrained to attend as a member of parliament, if he hold of the king "under the ſum of twenty pounds" in land. In 1504 the exemption is, under "one hundred marks of the extent that now is;" and an extent implies annual value. Twenty pounds in 1458, Scotiſh money being to the Engliſh as one to three, and its power being to the preſent as ten to one, may nearly equal ſeventy pounds ſterling of modern currency. In 1504 the coin was as one to four, and one hundred marks might equal one hundred and ſixty of our pounds. The Engliſh parliament had enacted, in 1429, that none ſhould *vote* for knight of the ſhire, who had not freeholds of the value of forty ſhillings: but in Scotland it was eſteemed a great privilege to be exempted from ſitting in parliament; and voting could not be enforced even by the united efforts of the monarch and legiſlative body.

From 1504 till 1587 there are no ſtatutes concerning the conſtitution of parliament.

To return to the conſideration of the period under review, we have ſeen that in 1469, an oligarchic plan of appointing the council, and magiſtrates of burghs, was inſtituted, and the parliament was compared with common courts of juſtice: and in 1482 the mention of the parliament of Paris indicates that the French idea of a parliament was, by the court, pre-

[5] Cap. 113.

ferred

ferred to the Engliſh. The numerous clergy preſent at a Scotiſh parliament, and the want of an oppoſition, are features delineated and explained in the preceding retroſpect. 1437—1488

In 1488, as has already been obſerved, the titled nobles of Scotland amounted to about forty. The ducal denominations were moſtly confined to the royal family: the others were earls and lords. But theſe greater barons had no privileges above the ſmaller: all were *peers*, or *pares*, in courts of juſtice: a *lord* and a *lard* are the ſame, and the latin only admitted *dominus* for either: the *lard*, or *laird*, was deſigned from his eſtate; and his wife was *lady* by the ſame deſignation even down to modern times. For diſtinction the titled lords were created and ſtyled lords of parliament. While there was no houſe of commons, there was no houſe of peers: every landed gentleman holding of the crown might ſit and vote; but he could not be conſtrained to attend except his eſtate amounted to a certain ſum.

Had the great plan of James I been carried into execution, as much additional reſpect would have accrued to the peers, as to the commons: greater luſtre, more important privileges, would have ariſen to the former, as well as to the latter. A diſtinct legiſlative capacity, a marked line of ſeparation from the landed gentlemen, might have gratified the pride, and ſtimulated the abilities, of the peers; while the eſquires, united with the burgeſſes, might have learned by degrees the eminent advantages which commerce and agriculture derive from each other.

The leſſer barons or *lairds*, correſponding with the Engliſh LORDS of manors, form ſuch a ſingular and amphibious claſs, in the Scotiſh parliament, that they excite curioſity and diſquiſition. The roll of parliament, 1472, will give us an idea of

1437—1488 of their proportion to the other members; which ſeems to have greatly exceeded that of the roll of 1365 above-mentioned.

"On the 18th day of February, in the preſence of our ſovereign lord the king; and the biſhops, abbots, priors; and the noble dukes, earls, lords, barons, freeholders, and commiſſaries of the burghs, underwritten:

"Alexander duke of Albany.

*Biſhops.*
Dunkeld
Aberdeen
Roſs
Orkney

*Abbots*
Arbroath
Melroſe
Holyroodhouſe
Paiſley
Scone
Dryburgh

*Priors*
Portmoak
Reſtenoth
Coldingham
May

*Earls.*
The Chancellor
Errol
Marſhal
Huntley
Crawford
Morton

*Earls.*
Argyle
Rothes

*Lords.*
Innermeth
Erſkine
Haliburton
Seton
Borthwick
Darnley
Lindſay
Gray
Forbes
Kilmauris
Kennedy
Hamilton
Monipeny
Salton

*Barons (or Lairds)*
Sanquhar
Bewfort
Haltoun
Craigmillar
Reſtalrig

Dundas

| *Barons* | *Barons* | 1437—1488 |
|---|---|---|
| Dundas | Bothiok | |
| Bargeny | Pittarrow | |
| Baſs | Abercromby | |
| Caldor | Erolet | |
| Luſs | Ruſky | |
| Terreagles | Carns· | |
| Elliotſtoun | Cranſton | |
| Ruthven | Halkerſton | |
| Sauchie | Boyle | |
| Elphinſton | Ker | |
| Guthrie | Gaſk | |
| Torthorwald | Dron | |
| Corſtorphin | Hume | |
| Edmondſton | Balcolmy. | |
| Dalhouſie | | |

*Commiſſaries of the Burghs.*

| | |
|---|---|
| Edinburgh - - - | Young and Bonkil. |
| Aberdeen - - - | Knowls. |
| Stirling - - - | Walter Stuart. |
| Linlithgow - - - | Fowlis and Foreſt. |
| Haddington - - - | Girnlaw. |
| Dumfries - - - | Welch. |
| Air - - - | Multrar. |
| Dundee - - - | Monorgund and Guthrie[6]." |

[6] Kaims' Eſſays on Brit. Ant. p. 125. In the inaccurate extracts from the records of parliament, made by Sir James Balfour in the laſt century, and publiſhed by Carmichael at Edinburgh 1791, 4to, we find p. 58, five lairds, Stobhall, Tullibardin, Elliotſtoun, Halkſton, Reſtalrig "for the ſmall barons" in 1479: yet in p. 59 we find many others preſent. And in April 1481, p. 65, he only names eight of theſe barons. But theſe extracts being chiefly for the purpoſe of ſettling dates of creations, and precedencies, their imperfection is moſt excuſeable.

1437—1488 In this parliament the leſſer barons almoſt equal in number the clergy and peers. The rolls indeed ſeem imperfect, for none, apparently, remains which enumerates more than about eighty members; while, in a ſtatute of 1458, they are eſtimated, as we have ſeen, at about one hundred and ninety: and this, though one of the moſt ample, omits no leſs than twenty of the burghs. But it is not the number of the *lairds*, or tenants *in capite*, which ſurprizes: it is their fewneſs which merits inveſtigation.

An idle tradition prevailed in the middle ages, that one of our monarchs diſtributed all the lands of Scotland among his great barons, reſerving none for himſelf, except the Moot-hill of Scone. This tradition, though vague, expreſſed the ſtate of the country, chiefly divided into large territories, the potentates of which held of the king; while their numerous vaſſals, enjoying greater or ſmaller allotments, held of their lords. Hence the numerous charters *of confirmation* in our records, only lending the royal ſanction to charters granted by the barons: and a liſt of the tenants *in capite*, including even the ſmaller, would not, it is believed, fill many pages. Some conjecture muſt however be allowed, for the writers who might be expected to illuſtrate this topic, prefer declamation on the feudal ſyſtem; a rich mine, but already exhauſted by the labours of Monteſquieu, and other able authors [7]. Thoſe parts

[7] The learned Craig ought to be named among the chief, his work *De Feudis* being the exuberant, and often the *ſilent*, ſource of the riches of more modern authors. The reader who wiſhes to ſtudy this important topic, ſo long the deſtiny of Europe, may begin with that great work; if he prefer not to aſcend to the original authors, Gerardus Niger or Capagiſtus, and Obertus de Orto, two Milaneſe of conſideration, who about the year 1170 compoſed the books *De Uſibus Feudorum*, the early ſtandard of feudal law. See Craig, lib. I. tit. 6. § 3, 4, 5, &c. But the editions are ſo ſcarce as not to occur in the moſt ample catalogues.

of

of our hiſtory, and antiquities, which are clear, have been illuſtrated with great force and preciſion; while the obſcure even require a taper to make the "darkneſs viſible." 1437—1488

In England the *baron* was a *lord*, a peer: in Scotland he was only a *laird*, a man of landed property: the word indeed originally only implies a man of courage, a chief[8]. From Domeſday Book it appears that the immediate vaſſals of the crown amounted, after the conqueſt, to about ſeven hundred, excluſive of the eccleſiaſtic fees[9]: of theſe ſeven hundred a few were earls and lords; the remainder would in Scotland have been termed barons or lairds. In the latter kingdom it may ſeem that the immediate vaſſals of the crown could not, before the reign of David I, exceed two hundred; and the profuſe donations of that prince to the church muſt have diminiſhed the number of lay-fees.

Theſe vaſſals of the crown, or tenants *in capite*, were however ſpeedily to be multiplied by various cauſes. New donations of the regal demeſne, forfeitures of great fiefs, afterwards divided into ſmaller, gifts of land by the vaſſals themſelves to their followers, coheirſhip, and at length purchaſe by the acquiſitions of commerce or chance, were among the operations which increaſed the number of the vaſſals in chief. Hence in the reign of Henry III of England, repreſentatives appear for the counties at the ſame time with thoſe of the burghs: and ſo rapid was the progreſs of liberty in that fortunate kingdom that, from the firſt appearance of repreſentation for the coun-

[8] Leges Langob. and in modern Spaniſh *Varon* is either a MAN or a noble; not to mention the French *baron et femme*. In like manner the term *Iarl*, or Earl, apparently introduced by the Daniſh conqueſt of England in the eleventh century, only ſignified originally a *man*; thus *Iarl-wagh*, via viri. Stiernhook de Jure Sueonum, p. 297. It correſponds with the German *carl*, a ſtrong man. [9] Dalr. on feudal property, 313.

1437—1488 ties, all had a right to vote who held free lands, or tenements, of whatever lord or ſuperior; while in Scotland, when this repreſentation was attempted in 1428 and eſtabliſhed in 1587, the privilege, or ſervitude, of voting was confined to the freeholders of the crown.

One great cauſe which defeated the repreſentation for counties in Scotland, and rendered even that for the burghs irregular and incomplete, was the avarice of the freeholders, and citizens, which ſhrunk from paying the *coſtage*, or ſalaries of the repreſentatives. And they not only abhorred the duty, or bondage as they ſuppoſed, of ſitting in parliament, but they even deteſted the trouble of giving their votes. Another cauſe was, that the members of parliament had no privileges whatever, not even the peers themſelves conſidered in that capacity; while the political wiſdom of England had ſtimulated emulation, and had inſpired reſpect for the meaneſt member of the national council, by the freedom from arreſt, and other immunities. Had James I, in his eager wiſh to render the nation free, induſtrious, and happy, aſſigned ſpecial privileges to the repreſentatives of counties and burghs, it is probable he might have ſucceeded in eſtabliſhing two houſes, and an excellent conſtitution. The ſtruggle is ſingular; the court inſiſted on diffuſing ſome degree of freedom; and the people oppoſed their deliverance with ſurprizing zeal and perſeverance.

To return to the conſideration of the *barons* or *lairds*, they were hardly to be diſtinguiſhed, either in common or legal language, from the titled nobility. They were not only denominated from their eſtates; but to a late period they uſed a titular ſignature, as well as the peers. *Peer*, and *peerage*, do not indeed appear to be Scotiſh terms: in England, when a lord of parliament was created, he was ſtyled a PEER, but there

there ſeems no veſtige of this uſage in Scotland; and there being no houſe of peers or equals, to which he could be called, the nobles were peers of the realm, and not peers of parliament. The term peerage is indeed vague, even at preſent; an Engliſh peerage is an ineleƈtive hereditary right to ſit in parliament; while a Scotiſh peerage is only a right to vote for ſixteen repreſentatives [1]. In ſtriƈt propriety the word has no connection with the parliament or general council; it is an honour at firſt territorial, and paſſing with the land like a Scotiſh *lairdſhip*; afterwards perſonal and hereditary; but ever implying power, territory, rank, precedence, inveſtiture by the monarch, diſtinƈtion of ſeat and dreſs on ſolemn occaſions. In France the twelve peers ſeem to have ſucceeded the *comites*, or companions of the early monarchs, after the latter title had dwindled into the *count* or earl; and acknowledging no ſuperior but the ſovereign, they bore the humble and proud title of peers or equals. The Normans introduced the term into England; where it was to be extended to all who were ſolemnly ennobled by the king, and thereby attained a right of ſitting in the upper houſe, only known in that country, and thence ſtyled the Houſe of Peers. But in Scotland the peers having at no period a ſeparate houſe, and after the extinƈtion of the Scotiſh parliament by the Union, having only a right to ſeleƈt ſixteen of their number; the title remains in its original ſtate, quite diſtinƈt from any reference to parliament. 1437—1488

The *Banrents*, or Bannerets, were an intermediate order, between the peers and the *lairds*; poſſeſſing eſtates of ſuch extent, and of ſo many knights fees, that they could lead a great

[1] The reader who is deſirous to ſee a clear ſubjeƈt embarraſſed by a ſtrange mixture of new names and old ideas, and old names and new ideas, joined with a ſimilar confuſion of chronology, may conſult Wallace on ancient Peerages, Edin. 1785, 8vo.

number

1437—1488 number of followers to the field, whence they had a title to display a *banner*[2]. They were alſo diſtinguiſhed by their peculiar *enſeigny*, or *cri de guerre*; and by ſupporters to their armorial bearings.

But the Scotiſh *barons*, or *lairds*, had none of theſe high diſtinctions. However ſmall their freeholds, they had a title to ſit in parliament, as appears from the above acts, exempting thoſe under a certain revenue from any conſtraint for appearance. In civil matters they could decide queſtions of debt, and many of poſſeſſion within their baronies; regulate work and wages; and enforce the payment of their rents. All criminal caſes fell under the cogniſance of the *laird*, except treaſon, and the four pleas of the crown: he had the power of pit and gallows, or drowning female, and hanging male culprits, convicted of theft or robbery; and his juriſdiction comprized many penal ſtatutes[3].

On the other hand numerous were the diſtinctions between the lord and the *laird*. The latter had no permanent denomination, no perſonal honour, his exiſtence was merely territorial: he had no ſolemn inveſtiture, no fixed rank, no precedence, nor was he addreſſed with any appropriated term. His tenants indeed called him *Maſter*, not landlord, but this was a ſlaviſh relique of the days of villenage: and hence apparently the Scotiſh phraſe of *Maſter*, for the heir apparent to an eſtate, thus Maſter of Huntley, of Darnley, and the like, frequent in our hiſtory and records, and ſtill retained where there is no ſecond title.

[2] The *ſtandard* was confined to the king or general; the banner to peers and potent chiefs: the *guidon* was a ſmall flag with two peaks or points, and ſuperior to the *pencill* or penon which every knight might put on his lance. See Groſe hiſt. of Engl. army II, 258.

[3] Erſkine Principles of Sc. Law, b. I, t. 4, § 14.

The

The ſame cauſes which operated in England were, by ſlower degrees, to increaſe the number of the Scotiſh tenants *in capite*. Money being ſcarce, gifts and rewards were commonly aſſigned in lands; and even a meſſenger of good tidings was recompenſed by a ſmall eſtate [4]. The nobles and *lairds* maintained their friends, and ſecured the fidelity of their followers, by ſimilar donations [5]: but the tenure being from themſelves, as ſuperiors, the number of perſons intitled to ſit in parliament, or vote, had repreſentatives been eſtabliſhed, was little ſwelled by their alienations. An inborn preference which moſt men give to land above all other kinds of property, the deſire of retirement eaſe and a rural life, ſo natural to the buſy citizen, conſpired to render the purchaſe of land a great object of ambition to the induſtrious merchant, and to the fortunate adventurer. Entails were unknown in Scotland, till the ſeventeenth century; a deed of *taillie* merely regulating the manner of ſucceſſion, and commonly altering it from heirs general to heirs male [6]: but other obſtacles prevented the free acquiſition of land, 1437—1488

[4] Scotſt. Cal. paſſim. This important catalogue was, ſome years ago, diſcovered by the author in the Harleian library; and is now, it is believed, printing in Scotland. The firſt volume is a tranſcript, but Sir John Scott clerk of the Regiſter has avouched the others by his ſignature at the end of every quire. The charters extend from 1309 to 1587, or later.

[5] In that ſingular work of poetry in proſe, "A true hiſtory of ſeveral honourable families of the name of Scott, by Capt. Walter Scott," Edin. 1688, 1776, 4to, we find p. 45, an account of numerous penſioners of Scott of Buccleugh, twenty three of his own name, all enjoying grants of lands. Clanſhip eaſily ſpread when ſurnames were hardly known; and to aſſume a name was to ſecure an inheritance.

There is a fund of odd ſenſe in that book; among other points the military poet ſays,

The rear is the ſecond place, if ſoldiers be but ſtout,
They are ſure to have the van, if the word be *face about!*

[6] Dalr. on feudal property, 162, 163, where it is alſo ſhewn that Craig, who wrote about the year 1600, knew nothing of entails in the modern ſenſe.

It

1437—1488 land, ſo eſſential to the circulation of the blood of the ſtate. An able judge even ſuppoſes that the *jus retractus* prevailed, by which a right of redemption expoſed the purchaſer to an uncertainty in his property, a bar at once to its enjoyment and improvement. While the famous ſtatute of *Quia Emptores* was to diffuſe wealth and cultivation through England; in the adjacent kingdom the heritable proprietor was to be diſtinguiſhed by the heritable ſterility of his poſſeſſions, and by a firm entail of indolence and poverty. Yet by degrees commerce and induſtry were to aſſert their rights, private vices were to become public benefits; and landed prodigality was to miniſter to the national advancement. And though many of the purchaſed lands held of the under lords, there is little room to doubt that the freeholders of the crown were increaſed by this progreſs of ſociety: but a juſt eſtimate of their number could only be formed from an enumeration of the charters in the regiſter at various periods, a toil perhaps ſurpaſſing the value of the information.

That no repreſentatives for the counties appeared till 1587, is ſufficiently clear from the ſilence of the ſtatutes, and records: and the act of James II, concerning the parliamentary dreſs, is mute concerning the commiſſioners of the ſhires, or even the leſſer barons in general, though moſt particular in regard to the earls, lords, and burgeſſes. It is hence to be inferred that the *lairds* appeared in parliament in their uſual dreſs; nor does it appear that, in latter times, the repreſentatives of ſhires were diſtinguiſhable by their apparel from the burgeſſes.

To cloſe this diſcuſſion concerning the *leſſer barons*, the length of which can only be excuſed by their importance in the national and conſtitutional ſcale, and the ſingularity of

It was in the reign of Charles II that they began to be frequent in Scotland. Ib. 165. In the reign of James VI the *lairds* amounted to about one thouſand. "Certaine Matters," &c. 1594.

their

their rank in ſociety, when compared with more civilized go- 1437—
vernments, it ſhall only be further obſerved, that the term *laird* 1488
has become of no reſpect, and is even ironically applied to the *portioner* of land, whoſe eſtate is half a field, but who joins the induſtry of an artiſan to the healthy purſuits of his little agriculture. For the denomination, being territorial, is only honourable in proportion to the territory; while the Engliſh term Eſquire, aſſigned to any man who bears a ſhield, or in other words has an armorial blazon, is a perſonal diſtinction, extended to opulence, to eminence of talents, to fortunate induſtry, as well as to conſiderable poſſeſſions of land.

In paſſing to the laſt diviſion of the national council, the Burgeſſes, it is firſt to be obſerved that the Royal Burghs alone had a right, or rather, to ſpeak in the language of the times, were burdened by their tenures from the crown with the heavy duty of ſending repreſentatives to parliament. The Burghs of Barony, or thoſe that held of great barons whether temporal or ſpiritual, were exempt from this ſlavery: Glaſgow for inſtance though a burgh of ſome conſequence, even then, as holding of the biſhop, ſent no commiſſioner. To thoſe already mentioned, in the above roll, may be added Berwick, Jedburgh, Selkirk, Peebles, Lanark, Dunbar, Kinghorn, Forfar, Brechin, Wigton, Kirkudbright, Irvin, Dunbarton, North Berwick, Inverkeithing, Coupar, Perth, Montroſe, and others[7]; ſo that the repreſentatives for the burghs might have amounted to between thirty and forty, if another ſingular practice had not prevailed, that of many of the burghs appointing the repreſentatives of the others to be their proxies; every method of exemption from attendance being ſedulouſly practiſed, in order to avoid the trouble and expence.

[7] See Carm. 59, parl. 1479. In 1682 they amounted to ſixty. Preſent State of Scotland, London 1682, 8vo, p. 131—134.

1437—1488 As the ſeſſion of a parliament commonly laſted only a few days, the chief magiſtrates of the burghs could attend, without a long abſence from their duty; and it appears that they were generally the repreſentatives. The oligarchic form of municipality[8], introduced by James III, neceſſarily confined the election to the town-council, the body of the burgeſſes or freemen being excluded. Hence it is computed that there are not in Scotland, at this day, above three thouſand voters for national repreſentatives, either of counties or towns[9].

In the earlieſt Scotiſh parliaments, of which we have any record, it appears that deputies for the burghs attended, to ſettle the proportion of taxes, which the towns were to bear: and it is not improbable that the magiſtrates of the principal burghs may be included in the *ſapientes*, *probi homines*, or *preud-hommes*, and *tota communitas regni*, of the moſt ancient national councils[9]. Many ancient Engliſh cuſtoms may be traced in more modern Scotiſh uſages; and for this reaſon the ſtudy of the latter is important to ſcience in both kingdoms. That the magiſtrates of the chief towns were, in an appropriated ſenſe, members of the national council before the reign of Henry III in England, and Robert I in Scotland, there is unhappily no poſitive proof: but that they attended, eſpecially in caſes of taxation, and probably at the bar, there is ſome proof, and every reaſon to infer. In Scotland there were neither towns nor commerce, till a comparatively late period; but the uſages are evidently of Engliſh origin, conſtant intercourſe, and an amity ſeldom interrupted, having prevailed between the nations, till the baſe and unkingly conduct of Edward I forced Scotland into the arms of France. Now in

[8] Dalr. 330.

[9] For thoſe of Scotland ſee the Statuta Willielmi, et Alexandri Secundi, apud Skene Reg. Maj.

England,

England, as in other European kingdoms, no repreſentatives from towns could appear in early times; and the numerous barbaric codes of laws, though moſt minute in other points, are, it is believed, completely ſilent, not only on this head, but on municipal regulation. The reaſon is clear; it was becauſe the barbarians who overturned the Roman empire deteſted the civic life; and preſerved their ancient rural manners, and occupations. The towns being conquered, had no right to expect a repreſentation in the national aſſemblies of their victors, held in ample plains under the canopy of heaven; and it was to the contempt and indifference of the conquerors, that they were commonly indebted for ſuch privileges as they retained, as the right of electing their own magiſtrates, and other minute reliques of freedom. When the Saxons, when the Normans conquered England, the ſame cauſes muſt have operated; the Engliſh repreſentatives of London muſt have made a ſtrange appearance in an aſſembly of Norman freeholders, to whoſe language and laws they were abſolute ſtrangers. But the magiſtrates might be called to the bar, to adviſe and give their conſent to the beſt manner of proportioning a tax, and enforcing its collection in their reſpective towns, the language of money being very audible and clear. 1437—1488

On looking into the hiſtory of the Scotiſh parliaments, we accordingly find the burgeſſes ſpecially mentioned on the occaſion of a tax impoſed by William [1]. Even in the reign of James II, as will afterwards appear in this retroſpect, they ſat at the bar of the national council: in that of James III ſeveral acts bear to be paſſed by the clergy and lords: in 1504 a ſpecial ſtatute appears, ordaining "that the commiſſaries and heads-men of the burghs be warned when taxes or contribu-

[1] Fordun, I, 529, A.D. 1211.

1437—1488 tions are given, to have their advice therein, as one of the three eſtates of the realm[2]." In 1560 we find ten *provoſts* of the chief towns among the lords of the articles[3]. As the ſtatutes are ſilent concerning the mode of election, and repreſentation, for burghs, it would ſeem that one or two of the magiſtrates were nominated by the others, or by the council.

The Royal Burghs were indeed bound by their tenures, as holding in chief of the crown, to attend the parliament; but as proxies were allowed, and the fine itſelf for abſence was only ten pounds, the tenure was neglected and illuded. Nor could the incorporation of a burgh by royal charter be an uſage of much antiquity in Scotland, perhaps not more ancient than the reign of David I.

So much for the Burgeſſes, the only real commons of Scotland; the leſſer barons having weakly preferred an inſignificant mixture with the peers to the noble ambition of heading a ſeparate aſſembly. Modern party has embroiled many of the queſtions on this ſubject; a whig wiſhing to increaſe the antiquity and power of the commons, while a tory endeavours to diminiſh them: but to plain ſenſe, and cool reaſon, the topic is only important as illuſtrative of hiſtory; nor can the diſcuſſion of barbaric cuſtoms hinder, or advance, the cauſe of enlightened freedom.

Having thus conſidered the ſeveral claſſes of men, which compoſed the three eſtates of the national council, one of the moſt intereſting objects in modern hiſtory; ſome other particulars remain to be ſtated, in order to preſent clear information concerning its conſtitution, and procedure.

The number of the members, we have ſeen, amounted to about one hundred and ninety; but from the rolls there never

[2] Cap. 85. [3] Robertſon Append. N° IV.

appears

appears more than half the number; the others being abſent from ſickneſs, diſtance, feuds, nonage, eſpecial affairs, or other reaſonable cauſes; and ſome from contumacy, or an oppoſition to the meaſures of the court at the time. Even in modern times to ſecure the attendance of a certain number, in a national council, the members ought to double that number. James I ordered, in 1426, that no prelate, earl, baron, or freeholder, ſhould appear by a procurator, except on proving a lawful cauſe of abſence [4]. It would ſeem that the procurators are omitted in the rolls, and often indeed one member might appear for many; but ſometimes a lawyer was proxy for an abſent peer; and the omiſſion might be according to the forms, or intended to diſcountenance the practice. At any rate the omiſſion of the procurators muſt conſiderably abbreviate the rolls of parliament. 1437—1488

It was a royal prerogative to ſummon the general council, which was done by letters, under the ſignet, to the clerical members, and greater barons; and by precepts from chancery to the ſheriffs, for general ſummonſes to all members reſident in each ſhire. During a minority this prerogative was exerted by the council of regency; but few or no permanent laws were ever paſſed, except when the ſovereign had attained the years of majority preſcribed by law.

The members having, a day or two before, arrived in the city or town where the parliament was to be held, on the morning of the meeting they aſſembled at an appointed place, and proceeded on horſeback in great ſtate to their hall. This proceſſion was called the Riding of the Parliament, and was

[4] Cap. 52. The act of 1504 allows procurators to appear for the leſſer barons. Mr. Wight, p. 57, ſeems rightly to infer that both the ſtatutes, of 1458, and 1504, only abſolve the perſons from attendance, on condition that they ſent proxies.

a ſin-

1437—1488 a ſingularity retained to the lateſt period of the Scotiſh legiſlature. Amid the ſound of numerous trumpets, and the armorial diſplays of heralds, firſt appeared the commiſſioners of the burghs; then the leſſer barons; followed by the lords, the biſhops, the earls, the archbiſhops, the dukes. Three choſen peers bore the crown, ſceptre, and ſword, before the monarch, who was attended by his guards. At the door of the hall ſat the lord high conſtable, to receive the members as they alighted, and probably in his original office of giving orders concerning the ſtabling of their horſes till their return [5].

The clergy probably took their ſeats on the right, the peers on the left of the throne, as in England: and ſo numerous were the former, that the leſſer barons preſent would merely complete the left ranks. At the bottom, near, or perhaps without, the bar, ſat the commiſſioners of the burghs. The clerk of the regiſter was apparently the clerk of parliament: and it is to be inferred that he, and ſome other officers of ſtate, ſat in the middle before the throne [6].

The roll being called, and ſome other formalities arranged, the chancellor, or ſometimes the ſecretary, made a ſhort ſpeech; and as they were commonly churchmen, it was in the nature

[5] See the prints of the Riding of the Scotiſh parliament in the reign of Charles II.

[6] The author of the Preſent State of Scotland, 1682, ſays the Chancellor, and other officers of ſtate, ſat under the throne; and below them the Lords of Seſſion or judges: in the middle were two tables, one bearing the *regalia* by which ſat the Conſtable and Marſhall; at the other was the clerk of regiſter, with his deputy clerks who are the clerks of parliament. P. 84, 85.

In Cal. B. V, 266, is an account of the Scotiſh parliament in the reign of James VI. At that time the members continued in town while the lords of the articles ſat, being a week or two, and all met on the laſt day to approve or condemn. Parliament was either *deſerted* or *current*; the former caſe required a proclamation of forty days before another could be held; the latter only of fifteen days.

of

of a ſermon of the time, ſeaſoned with latin quotations from ſcripture. The three eſtates then proceeded to their chief office, the appointment of commitees of juſtice, and of the articles; who being ſelected, the other members were at liberty to depart to their reſpective homes: and often did not aſſemble till next year, when they gave their ſanction to the laws prepared by the committees. But it alſo often happened that the ſtatutes and ordinances were already faſhioned by the chancellor, and other officers of ſtate, or could eaſily be forwarded; ſo that the members remained in the town, and even continued their ſeſſion occaſionally from five to fifteen days, the laſt of which was appropriated to the pronunciation of the deciſions of the committee of juſtice, in preſence of the whole houſe[7]. 1437—1488

As the members were inelective, the commiſſioners of the burghs alone excepted, the prorogation, or diſſolution, of the parliament could not be alternatives of great conſequence. In England, at this period, a parliament ſeldom ſat above one ſeſſion of twenty or thirty days; but ſometimes three ſeſſions were known. The general form of the Scotiſh parliament ſeems to have been annual; and the magiſtrates, who repreſented the towns, being commonly of yearly continuance in office, it may be difficult to point out an inſtance of a prorogation from one year to another: though thoſe of two or three months in the ſame year are not unfrequent. A curious inſtance of the prorogation of a parliament, followed by its diſſolution, occurs in the records. In the turbulent laſt year of the reign of James III, a parliament met in January, and was prorogued to May. But on the 17th February 1488, James iſſued the following order. "We do you to wit that our ſove-

[7] The vote of *Non liquet* was latterly allowed, as in the Roman ſenate; but the uſual votes were *approve* or *not approve*; (Preſ. State 87, 88,) an expreſſion rather belonging to ſanction than debate.

reign

1437—1488 reign lord, by the advice of his council, has for certain reaſonable and great cauſes, deſerted and diſſolved his parliament, which was formerly prorogued till the fifth day of May next to come: and has ordained a new general parliament, to be ſet, and proclaimed to be holden at Edinburgh the twelfth day of May next to come, with continuation of days; and general precepts to paſs to all lords, prelates, barons, freeholders, and commiſſaries; and with ſpecial letters under his ſignet to all the prelates, and great lords of his realm, to ſhew and declare to them the cauſe of the ſitting of his ſaid parliament[8]." Theſe ſpecial letters it is to be preſumed, James did not direct to his enemies: and it is even probable that they were never ſent to members in the oppoſition; an omiſſion which might be regarded as a hint that their abſence would be more agreeable.

After the parliament, the Privy Council attracts the greateſt attention by its dignity and importance. The nature of this meeting has been already explained in the preceding retroſpect, where it is obſerved that it ſucceeded the *Aula Regis*, or King's Court. This court, anciently held in a hall of the palace, has been by ſome authors confounded with the national council; and the vague ſynonymes, and impure latinity, of the writers of the middle ages, have ſometimes blended the terms *curia* and *conſilium*, ſo as to occaſion a doubt whether the latter be a general or privy council; and whether the former be a ſenate or parliament in the claſſic acceptation, or an affected ſubſtitute for the *curtis* or court of the king. The explanations of gloſſariſts are alſo arbitrary, and often derived from a ſingle ſentence, without conſidering the ſcope of preceding and ſucceeding paragraphs, or the affected ſenſe in which a particular

[8] Kaims' Eſſay on Brit. Ant. p. 54.

writer

writer may uſe a particular expreſſion. That the king's court was merely of conſultation, and of judicature in particular caſes, like the ſucceeding privy council, there is every reaſon to infer; and if the parliament be ſtyled the royal court, in barbaric latinity, it is an abuſe of terms. The king's *baron-courts* were a kind of inqueſts, conſiſting of the great officers of the crown, and other chief barons to judge on important crimes and cauſes: even they differed much from the courts held by the barons themſelves, becauſe the monarch, however controuled and impoveriſhed by the great barons, yet maintained during the feudal ages a ſublime and ſuperlative character in the conſtitution, as the fountain of honour, the general, and chief magiſtrate, of the ſtate. But from theſe courts the parliament, or general council, was diſtinguiſhed in many ways. 1. It ſucceeded the general aſſemblies of the German tribes, mentioned by Tacitus, who ſays that on ſmaller matters, or particular caſes, the nobles met and decided; while in larger the whole community aſſembled to determine on affairs of general intereſt [9]. The former was the king's baron-court; the latter a parliament: the former was a meeting of the notables; the latter of the ſtates general. 2. The *aula regis*, or king's baron-court, though perhaps the former conſiſted only of the chief officers of ſtate, the latter added the great barons, yet whether the ſame, or diſtinct, never poſſeſſed any legiſlative power. 3. The ſtates general often oppoſed the royal will; and the Engliſh parliament even depoſed Richard II; attributes which no fancy can aſcribe to the king's own courts, which exiſted only in virtue of his authority. 4. The king's courts met in his palaces, while no parliament ever ſat in a royal manſion; but in convents, abbeys, guild- 1437—1488

[9] Germ. c. xi.

1437—1488 halls, and other detached places [1]. It may be added that the tenure *in capite* was not a *right* to ſit in parliament; it was on the contrary an *obligation*, in order that the national council, in which the ſovereign appeared in his greateſt luſtre, might be numerouſly attended, and not exhibit ſymptoms of diſaffection by the rarity of the members. Before the feudal tenures prevailed, there can be no doubt but that every free-man had a right to appear in the general aſſembly, while the king's court was ſacred to the chiefs; and ſuppoſing a barony allodial, or free from tenure, that circumſtance could not have operated againſt the right of its poſſeſſor to appear in the national council. But the ſmall tribes, general aſſemblies, and idle life, of the ancient Germans, being followed by wide kingdoms in which no general aſſembly could be held, and by various occupations, it became neceſſary to enforce attendance by tenure, and fines; means from which the queſtion of right, acquired by tenure, is extremely remote.

In the more ancient periods of Scotiſh hiſtory the kings were the chief judges in fact, as well as in law; and ſat, at particular times, before a gate of the palace to hear and determine cauſes, eſpecially thoſe of the poor. This judicature was, in more poliſhed times, exerted by the monarch, in con-

[1] Dr. Gilbert Stuart on the Public Law and Conſtitution of Scotland, p. 81, 107, edit. 1784. It is to be regreted that the uſeful information, and ſolid argument, ſometimes preſented in this work, ſhould be diſtorted by the author's perſonal animoſity againſt Dr. Robertſon a writer of great talents. Dr. Stuart's ſtyle is alſo too turgid, and declamatory, to preſent clear information on obſcure topics; and the abominable plan, or rather confuſion, invented by Bayle, who emptied his common-place book on his dictionary, has been unhappily followed by both Robertſon and Stuart, in their enquiries on the progreſs of ſociety, &c. while the ſhort text, and long notes at the end, not only preſent a moſt unclaſſical mode of compoſition, but ſeem merely calculated to diſmember and confuſe a ſubject, and oppreſs the patience of the reader.

junction

junction with his privy council: but it was chiefly uſed in 1437—
puniſhing riots, and in other ſpecial caſes which demanded a 1488
ſpeedy remedy, and could not be deferred till the meeting of a parliament, the laſt court of reſort. In the laſt century it was to uſurp the odious powers of a ſtar-chamber, and its fall was matter of national exultation.

Such numerous minorities occur in the hiſtory of the Scotiſh monarchs, that the ſtate of the government at thoſe periods deſerves much attention, and will be found explained in ſeveral paſſages of the hiſtorical narration. It appears that the privy council retained its chief powers under a Council of Regency, though the officers of ſtate were often the principal members of both.

Theſe Officers of State themſelves claim the next conſideration; and their original importance in the government, and in the national hiſtory, demands that particular attention ſhould be paid to their diſtinct duties and privileges.

In Scotland thoſe of chief conſequence at this period were the Lieutenant General of the Kingdom; the Steward, an office now held by the prince, and little exerted; the Conſtable; the Marſhall; the Chancellor; the Great Chamberlain; the Treaſurer; the Juſticiary; the Admiral; the Maſter of the Houſehold; the Privy Seal; the Comptroller; the Secretary. Among thoſe of ſmaller moment may be named the Clerk of the Regiſter; the Treaſurer depute; the King's Advocate; the Juſtice Clerk; the King's Chamberlain.

The firſt named of theſe offices, though almoſt unknown to all writers on our conſtitution, was doubtleſs the ſecond in the kingdom, and almoſt amounted to a regency during a weak reign or a minority. The Lieutenant General commanded the whole military array and force of the realm; being a ſubſtitute for the king himſelf, in his high capacity of general of

1437—1488 the nation. We have ſeen the ambitious Robert duke of Albany appear in the ſynonymous characters of lieutenant general, and governor of the kingdom, during the reign of Robert III his brother. The potent earls of Douglas held this office in the minority of the ſecond James: and it appears at intervals in the minority, and reign, of James V.

The ſtewardſhip, upon the acceſſion of the Houſe of Stuart, merged in the principality. As David duke of Rothſay was the ſole prince of that family, who came to majority after the acceſſion of the family, the kings held the lands and privileges of the office: and James IV, in the parliament of 1490, was to order that all the free-holders of the ſteward-lands "ſhould appear and anſwer in the parliaments, and court of circuit, with their ſuits and preſence, in a proper manner, till our ſovereign lord have a ſon, *who ſhall be immediate betwixt the king and them, to anſwer for them in the ſaid parliaments, and courts of juſticiary:* and ſuit-rolls to be made thereupon, which ſhall endure till the prince be born [2]." A ſtatute requiring the explanation of ſome legal antiquary.

The Conſtable, originally as the name implies, the officer who had charge of the royal ſtables, aroſe by degrees to be commander in chief under the ſovereign; and continued in that high rank in France, even in the century now under view. His office in Scotland appears to have been vague, and titular; and was confined to the arrangement of the royal camp, a duty which ſeldom occurred; to the reception of the

[2] Cap. 16 Mr. Wight, p. 63, ſeems to underſtand that the prince was the natural repreſentative of his tenants in parliament; and ſee his appendix, p. 468, for a paper ſhewing that noblemen were underſtood to *repreſent* their lands, even ſo late as 1681. A curious topic too ample for diſcuſſion here, as leading to great queſtions; whether the nobles were not at firſt conſidered as *repreſenting* their tenants; the origin of repreſentatives for ſhires, after a county had ceaſed to be ſynonymous with an earldom; and others of ſimilar import.

members

members of parliament at the door of their hall; and other objects of more luſtre than utility. The noble family of Hay have long inherited this office; but we have ſeen it uſurped for a ſeaſon by Boyd earl of Arran: yet he might perhaps appear as a delegate for the aged earl of Errol. 1437—1488

The Marſhall was maſter of the horſe; as the Seneſchall, Styward, or Steward, was of the herds and flocks, the chief wealth of early times. The marſhall ought to have arranged the army in battle: and he was the chief judge in the courts of chivalry, to determine points of honour and arms. He was alſo conſidered as a commander in the field; and the French marechals long retained the office. The hereditary marſhalſy of Scotland continued for centuries in the family of Keith.

In the reign of James III the Chancellor aroſe to a precedence next to the prince of the blood. He was preſident and ſpeaker of parliament; examined, and paſſed, charters under the great ſeal; was preſident of the privy council, where and in the committees of parliament, he exerciſed great juridical functions. In ſhort he had the chief rank in civil affairs, as the Lieutenant General had in military.

The Great Chamberlain, an office originally joined with that of Treaſurer, collected the royal revenues, and accompted for the expenditure. His juriſdiction, as appears from the *Iter Camerarii*, was very extenſive: and a great proportion of the revenue ariſing from the cuſtoms, and other duties paid by the royal burghs, they were committed to his particular charge. The management of the magiſtrates, the uſe made of the property of the towns, the complaints and diſputes of the burgeſſes and craftſmen, the prices of proviſions, the rules of barter and ſale, were among the objects of his authority [3]. The collec-

[3] See the Iter Camerarii in Skene; and Stuart, p. 33.

tion

1437—1488 tion of the royal revenues, and his power over the collectors, were alſo ſources of great influence. But the power of the Chamberlain over the Burghs was conſiderably reſtricted by the Court of Four Burghs, conſiſting of commiſſioners from theſe towns, who were ſummoned extraordinarily to hear appeals from the Chamberlain's circuit courts: but their ancient annual meeting was at Haddington [4]. Theſe four burghs were Edinburgh, Stirling, Roxburgh, and Berwick; till the two latter falling into the hands of the Engliſh, it was ordered in the parliament of March 1368 that Lanark and Linlithgow be ſubſtituted, reſerving the rights of the former when retaken [5]. The meeting of commiſſioners of the burghs at Inverkeithing, authoriſed by James III to form mercantile regulations, ſeems little to have increaſed their importance in national ſcale.

Latterly the office and power of the chamberlain were ſhared by the Treaſurer, who received and expended ſuch of the royal revenues, as belonged to the private expence of the king and his family. This office was introduced in 1424 by James I, on his return from England [6].

The Juſticiary was originally an officer of great power, as appears from the *Iter Juſticiarii*. His juriſdiction was both civil and criminal; and he held circuit courts twice in the year. Treaſon, and the four pleas of the crown, were ſpecially reſerved for his cognizance. But while the *Juſtiza* of Arragon was to controul the monarchs, the Scotiſh Juſticiary never attained any preeminence above other officers of ſtate. On the contrary his power was divided; there being often a Juſticiary for the counties ſouth of the Forth and Clyde, and another for the north [7]. Till the office was aſſigned heredi-

[4] 4to. Reg. f. 53. [5] Ibid. [6] Crawf. Off. 252.

[7] The ſtatutes, by their frequent mention of the *Juſtices*, ſeem to indicate more; yet the deputies of the Juſticiaries may be implied.

tarily

tarily to the noble family of Argyle by James V, it had been held by Sir Robert Lauder of Baſs, and other names hardly known in hiſtory. And when Charles I withdrew it from Argyle it paſſed to Sir Thomas Hope, and afterwards to Sir Ludovic Stuart, men of talents, but far remote from the character of Spaniſh *Juſtizas*. It is ſometimes uſeful to collate domeſtic cuſtoms with foreign; but to form general views of the feudal ſyſtem, and afterwards apply them to particular countries, without a profound and laborious ſtudy of their hiſtory, is a practice pregnant with errors. The feudal ſyſtem of each European kingdom forms quite a diſtinct province. It is eaſier indeed to draw materials from the literature of France, England, and other enlightened countries, than to ſearch into obſcure chronicles, old manuſcripts, and records, for the genuine hiſtory of the Scotiſh conſtitution. But an infinite confuſion ariſes from an injudicious mixture of our hiſtory, and antiquities, even with thoſe of England: they ought ſedulouſly to be keeped apart; and the ſkillful reader may afterwards himſelf compare the topics, as treated by the hiſtorians, lawyers, and antiquaries of the ſiſter nations. 1437—1488

It is to be regretted that we have ſo few materials for the hiſtory of the next important office, that of Admiral: nor to the notices, ſcattered in the hiſtorical narrative, can any thing be here added. His juriſdiction in maritime affairs, in the reign of James III, appears from the reference of the Engliſh to his judgment, concerning the capture of veſſels, and compenſations on that account. In latter times he was Juſtice-general upon the ſeas, on freſh waters within flood-mark, and in all harbours and creeks; his authority extended to all maritime cauſes, comprehending queſtions of charter-parties, freights, ſalvages, bottomries, and the like. His delegate is the judge of the high court of admiralty; and he may appoint inferior

1437—1488 inferior deputies for diſtricts, but their ſentences are ſubject to the reviſal of the high court. The admiral's juriſdiction is ſupreme, and no queſtion can be transferred even to the ſeſſion, except by ſuſpenſion or reduction. Even many mercantile caſes are by uſage ſubmitted to the admiral [8].

The lord Privy Seal was an officer of conſiderable confidence, who put the royal ſignet to gifts of moveables, and other ſmall grants not requiring ſeizin. The Secretary wrote the royal letters, and managed ſeveral private departments of buſineſs; latterly he came to be an officer of high rank and importance, and his frequent acceſs to the royal ear gave him ſuch influence that he almoſt rivalled the chancellor.

The Maſter of the Houſehold, *Magiſter Hoſpitii*, ſuperintended the royal domeſtics; and the Comptroller ſhared the former offices of the chamberlain, and treaſurer, by regulating the expences and checking the accompt, and ſupplying temporary advances of money.

The clerk of the regiſter, or maſter of the rolls, had the care of the records and charters, and was clerk of parliament. The treaſurer-depute's duty is explained by his appellation. Royal cauſes, and proſecutions for crimes, eſpecially treaſon, were prerogatives of the king's advocate. The juſtice-clerk, or clerk of juſticiary, was an aſſeſſor to the Juſticiary, to aſſiſt him in points of law; and the lord juſtice-clerk remains an office of importance. The king's chamberlain, or private chamberlain, was an officer of great favour and truſt; Sir William Crichton held this place, while Sir John Foreſter was great chamberlain; and the former was more in confidence with James I, than the latter.

[8] Erſkine, Principles, b. I, t. 3, § 18.

In

In paſſing from the conſtitution, and court, to the adminiſtration of juſtice, the following ordinance of James II may be added to the intelligence concerning the Mairs and Serjands. 1437—1488

" Our ſovereign lord, and his three eſtates, ordain and determine that if any of his Officiars, or Sheriffs, Mairs, Baillies, Crowners, Serjands, Provoſts of Burghs, and their deputies, either in town or country, be found faulty or negligent in the execution of their offices, and the offence may be legally proved or notoriouſly known; if the ſaid office belong to him in fee or heritage, he ſhall loſe his office, and the profit thereof, for a year and a day, and be puniſhed by the king in his perſon, and effects according to the treſpaſs: if his office be not of inheritance, he ſhall entirely abandon it, and be puniſhed in his perſon according to his treſpaſs, at the royal pleaſure [3]."

It is a chief object of theſe retroſpects to retrieve from the darkneſs of antiquity ſuch information as may have eſcaped former reſearch. The duties of the ſheriff have been frequently explained; but the Coroner, an officer of high importance in various ſtages of our hiſtory, ſeems unknown to our legal or antiquarian enquiries. His function may be illuſtrated by the following ſtatutes, which at the ſame time throw a ſtrong light on the adminiſtration of juſtice, at the period of the laſt parliament of James III.

" It is thought expedient, and ordained, for the advancement of juſtice, the bringing in of treſpaſſors to law, and their puniſhment, that in time to come when the *Crowner* receives his *porteous* [4] *and traiſtis*, if there be any perſons diſobedient,

[3] 1458, c. 76.

[4] *Porteous*, or *Portas*, in its original meaning is a breviary, or ſmall book of divine offices of ſuch a ſize as to be eaſily carried abroad: *portiforium*. It is here a liſt of criminals.

1437—1488 whom he dares not, nor is it in his power to arreſt, in that caſe the Crowner ſhall paſs to the lord and baron of the barony where they dwell. And if he dwell not within a barony, he ſhall paſs to the ſheriff of the ſhire, and ſhew his *porteous*, that he has ſuch perſons therein mentioned, and enquire if the lord, baron, or ſheriff, will be ſurety and pledge for theſe perſons, to produce them at the circuit. If they conſent, he ſhall deliver to them the names that they may become pledges, by writings ſealed and ſubſcribed. And if they refuſe to be ſureties, he ſhall require the lord, baron, or ſheriff, in the king's name, either to paſs, or ſend their officers, with their followers and ſervants in ſufficient number, with the ſaid Crowner, or aſſiſt and aid him in making the arreſt, or ſeizing him who will not become ſurety, till he be brought to the ſheriff, to be retained till the circuit. Any lord, baron, or ſheriff refuſing, to forfeit ten pounds to the king, the Crowner proving the offence [2]."—"It is thought expedient for the puniſhment of criminals, who eſcape from the Crowner, that in future he ſhall bring ſuch to the ſheriff, who ſhall keep them priſoners on our ſovereign lord's expence, till the next circuit, and then preſent them to the Juſticiary. The ſheriff ſhall be allowed from the exchequer three-pence a day for each, on bringing a certificate from the Juſticiary. If the ſheriff refuſe to receive the criminals brought by the Crowner, he ſhall incur *the danger and unlaw* [3] of the Juſticiary-circuit, to the fourth court, as a ſurety ſhould do in default of producing the perſon arreſted [4]."—"It is ordained that becauſe the Crowners in times paſt, through erroneous cuſtom and abuſe of the law, after a criminal was convicted before the Juſticiary, and condemned to death, would immediately paſs or ſend to eſcheat the effects of ſuch

[2] 1487, c. 99. [3] be lyable to puniſhment and fine. [4] Ibid. c. 101.

criminals,

criminals, though belonging to the king, and appropriate a part of the corn, cattle, and other effects, neither in law nor reaſon appertaining to their office. Therefore it is decreed that in future no Crowner pretend to take any ſuch effects, till the ſheriff or his deputy ſhall paſs or ſend, examine the effects, and allot the Crowner his ſhare, the remainder to be delivered to the king's treaſurer; nor ſhall the ſheriff deliver more to the Crowner than his legal portion. Puniſhment, as of robbery [5]." Another ſtatute ordains that, on the laſt day of the circuit, the Juſticiary ſhall appoint a jury to examine if the ſheriff and coroner have done their duty: and another decrees to the latter a young labouring horſe, if any be, among the effects of an executed malefactor [6]. 1437—1488

From other evidence it appears that the family of the Neilſons had, in the reign of James V, been heritable coroners of Bute for two hundred years: and in 1535 Hugh earl of Eglinton was appointed Coroner of the county of Cunningham, on the reſignation of Cunningham of Caprinton [7]. During the civil commotions, in the reign of Charles I, the military force of each county was led by a *Crowner* [8], a term which appears to have been ſucceeded by that of *Colonel*.

In 1475 gifts of lieutenancy were iſſued by James III to Lennox, Argyle, Athole, Huntley, of various ſheriffdoms in which their eſtates lay. Nor were the clergy averſe to ſuch ſecular authority; among other inſtances the abbot of Kilwinning obtained the power of chamberlain over all the abbey-

[5] Ibid. 102. [6] Ibid. 108.

[7] Scotſtarvet's Calendars of Charters, ſub anno 1535.

[8] Baillie's Letters and Journals, 1639-1660, Edin. 1775, 2 vols. 8vo. paſſim: a book full of curious and important information, and the remainder promiſed by the editor, particularly the obſcure period 1649-1660, would be highly acceptable.

1437—1488 lands, and the repledging of the tenants from any other judicatory [9].

The court of Seſſion had been inſtituted by James I in 1425. Its members were nominated by the king from the eſtates of parliament; and it was termed the Seſſion becauſe its meetings were fixed at certain periods and places. James II ordained particular regulations concerning this court; but as its members only ſerved by rotation, and without ſalary, it was at once ignorant and negligent; and was at length to be exchanged for a daily council, appointed by the patriotic parliament of 1504. It is to be regreted that James I did not found courts upon the Engliſh model; but perhaps the penury of the country afforded no funds for ſalaries; perhaps the confined nature of the regal juriſdiction, or ſome other circumſtances prevented ſuch an attempt.

But the power of the ſeſſion, the juſticiaries, the ſheriff and coroner, was greatly reſtricted by the Regalities, or Lordſhips Palatine. Their juriſdiction was royal, as the name implies; in civil affairs it equalled that of the ſheriff; and in criminal it even comprized the four pleas of the crown, murder, robbery, rape, and fire-raiſing, rivalling that of the Juſticiaries over every crime, except treaſon. The lord of regality could *repledge*, or reclaim, all criminals ſubject to his juriſdiction, even from the courts of the Juſticiaries [1]. Theſe extravagant grants, incompatible with the regular adminiſtration of juſtice, had been laviſhed by the royal favour; or extorted by the

[9] Scotſt. Cal. Dec. 1475, Jan. 1473. At 1476 Scotſtarvet records a charter to William Thane of Caldor of the *thanage* of Caldor, and many other lands, but all in *thanage-ward*; qu. *taniſtry holding*, if the heir minor, the chief to be the neareſt male relation capable of arms; or implying the military ſervices of ALL the tenants, as uſual before *knights' fees*, *feu-farm* or *ſoccage*, came in uſe?

[1] Erſkine Principles, b. I, t. 4, § 4.

power

power of ſeveral great barons, when they had themſelves expelled the Engliſh from their territories, or had rendered ſome eminent public ſervice. In 1455 an attempt was made to prevent any further grants of regality, by ſubjecting them to the conſent of parliament [2]; but the practiſe was as inveterate as it was imprudent. The eccleſiaſtic lords, ever deſirous of exemption from any authority ſave that of the pope, are ſuppoſed to have ſet the firſt example of regalities; the temporal authority was delegated to a Bailiff, and often hereditary. Regalities continued to be granted, and confirmed; and the charters of hereditary ſheriffdom to the peers and chiefs within their lordſhips, were almoſt tantamount, and became ſo numerous as to extend over all the country. When regality lands were forfeited, the king appointed *ſtewards* over them with ſimilar powers; hence the hereditary ſtewards of Strathern, Menteith, Annandale, Kirkudbright: while over baronial lands in the crown only *Bailiffs* were nominated, as in Kyle, Carric, Cunningham, and even the laſt-named offices were to be held hereditarily by peers. Happy country, thus filled with hereditary wiſdom and hereditary juſtice! 1437—1488

Nor muſt the Spiritual Courts be omitted, which before the reformation were to become great grievances. They originally ſprung from the confidence which piety repoſed in the biſhops; who were entruſted with the care of eſtates, and orphan children. Hence their claim to judge in teſtaments and legacies: and marriage being a ſacrament, adminiſtred by eccleſiaſtics ſince the twelfth century, prior to which it was merely a civil contract, all queſtions of divorce, breach of vows, and the like, paſſed to the eccleſiaſtic courts; from which no appeal lay except to the metropolitan, or finally to

[2] Acts, c. 43.

the

1437—1488 the pontiff. Tythes and patronage were natural objects of church deciſion, and notaries were appointed by the pope: but ſcandal, and any affairs confirmed by an oath, though lyable to eccleſiaſtic juriſdiction, might in all ages ſeem ſecular queſtions. The biſhops were ſuppoſed to be occupied in divine duties, and delegated their power to officials or commiſſaries: but the court was ſtyled the Biſhop's Court, or *Curia Chriſtianitatis*, and alſo the Conſiſtorial Court, from the *conſiſtory*, or court of appeals held by the Roman emperors [3].

Two ſtatutes of James II, concerning the adminiſtration of juſtice, deſerve particular attention. "The three eſtates have ordained that the Juſtices on the ſouth ſide of the Scotiſh ſea (the firth of Forth) hold their courts of circuit twice in the year; and in like manner on the north; according to ancient uſe and cuſtom. And ſo alſo lords of regality within their regalities, and the king's baillies of his regalities. And that the king himſelf, till the due courſe of juſtice be reſtored, paſs to every town where the circuit is held, or to its vicinity, as his council ſhall think convenient [4]."—"It is ordained and decreed that in all circuits of juſtice, ſheriff courts, and generally all courts ſpiritual and temporal, all perſons, freeholders and others, ſhall attend in a ſober and quiet manner. And that no man bring with him more perſons than are in his daily houſehold, and family ſervice. And when he arrives at his lodging, he and they ſhall lay aſide their weapons and armour, if any they bring; and wear no weapon except a knife. And if any be at open enmity, and alledge fear of his life, the ſheriff ſhall require *law-burrows*, or legal ſurety, from both; and prohibit them in the royal name to diſturb the king's peace, on pain of incurring the law, which the king ſhall execute without re-

[3] Erſkine, b. I, t. 5, § 23. For the abuſes of the Conſiſtorial Courts ſee Lindſay's Play, p. 164, 170. [4] 1440, c. 5.

miſſion

miſſion on the infringer. If the ſheriff be negligent he ſhall be puniſhed, according to the ſtatute ordained for reforming the faults of officers of juſtice [5]." In 1487 the lords and commons in vain engaged not to ſupport any criminal friends, or relations, at the bar: but the offence was to continue common in the ſucceeding century [6]. 1437—1488

James III in 1469 ordered that if the Juſtice, Sheriff, Steward, Bailie, or Baron, Provoſt or Baillie of burghs, refuſe to execute juſtice the complainant ſhall repair to the king in council, who ſhall puniſh the offending magiſtrate by the penalties there mentioned [7]. Among the grievances of this reign the abuſes of the court of Seſſion appear to have been one of the chief. The want of regular intermediate civil courts, between that of the ſheriff and the king's council, muſt have led to much inconvenience, and maladminiſtration; the power of the privy council having been ever eſteemed one of the grand defects of the Scotiſh conſtitution, being an arbitrary ſtar-chamber uncontrouled by genuine juſtice or equity. With all its imperfections the court of ſeſſion, conſiſting of all the members of parliament in rotation, muſt have been an inſtitution far more free and impartial.

Some regulations appear concerning inqueſts, and juries on criminal cauſes; but the want of juries in civil caſes was to continue a diſgraceful contraſt between Engliſh and Scotiſh juriſdiction.

Among the means of preſerving the public peace, the letters of *law-burrows* muſt not be omitted. The term is derived from *borgh*, a pledge or ſurety, which any perſon, in fear of another's violence, had a title to demand, that he ſhould not be injured in his perſon, family, or eſtate [8]. He who re-

[5] 1458, c. 82. [6] cap. 98. [7] cap. 27.
[8] Erſkine, b. iv, t. 1, § 21.

fuſed

1437—1488 fuſed to grant ſuch ſecurity was lyable to high penalties: when granted, the ſureties became amenable in the terms of the following ſtatute of 1466. "Concerning law-burrows it is enacted, that if they be infringed on any biſhop, abbot, or prelate of the church, earl, or lord of parliament, with their perſonal hurt, or that of their ſervants, the ſureties of the infringer ſhall pay to our ſovereign lord a fine of one hundred pounds. If on any knight, baron, ſquire, or clergyman of large benefice, fifty pounds. If on a burgeſs, yeoman, or prieſt, thirty pounds. Together with due compenſation to the party injured. Unleſs the ſureties produce the infringer before the king or the ſheriff, within forty days. The king to have the fines of all law-burrows broken, that ſhall fall within the juriſdiction of his own officers, either in town or country: and the lords of regalities and baronies to have thoſe taken in their lands, by them or their officers, according to their ancient infeofments and privileges [9]."

One of the laſt ſtatutes of James III is in the following terms. "The three eſtates have committed the full power of the whole parliament to the perſons under-written, (they do not appear,) to adviſe, confer, and report to the next parliament or general council, concerning the reduction of the king's laws, *Regiam Majeſtatem*, acts, ſtatutes, and other books, to be bound in one volume, and authorized; and the others to be deſtroyed. Four perſons to be appointed for each of the three eſtates. The prelates to bear the expence of the clerical members: the barons of thoſe they ſhall appoint: and the burghs that of their commiſſaries [1]." In like manner James I had appointed a committee of ſix of each of the eſtates, to examine, and amend, "the books of law, that is to ſay *Regiam Majeſtatem*,

[9] cap. 5. [1] 1487, c. 115.

and

and *Quoniam Attachiamenta*[2]." It has been ſhewn by ſkilful judges that the work quaintly ſtyled *Regiam Majeſtatem* is a tranſcript of Glanville's production. It was probably brought into Scotland by David II, who was greatly attached to England, and deſired to bequeath his ſceptre to an Engliſh heir; and by an artful incorporation of ſome genuine laws of David I, Scotland was prepared to receive it as a code of that illuſtrious monarch. The feeble reigns of Robert II and III, and above all the tumultuous regencies of the dukes of Albany, had ſo far obliterated the very memory of the laws, that the error had in the reign of the firſt James taken deep root, and was to ſhoot vigorouſly[3]. The *Quoniam Attachiamenta*, or Baronial Laws, 1437—1488

[2] 1426, c. 54.

[3] See Sir D. Dalrymple's Examination of ſome of the arguments for the antiquity of Regiam Majeſtatem, Edin. 1769, 4to; and the Obſervations on the Regiam Majeſtatem, 8vo, written by John Davidſon, Eſq. a venerable promoter of the ſtudy of Scotiſh hiſtory and antiquities, who aſſiſted Dr. Robertſon in 1757, and continues his laudable reſearches though now in his ſeventy-ſeventh year.

While Sir David's arguments prove that the Regiam Majeſtatem could not exiſt before the reign of David II, he yet inclines to deny that it is ſo late as that epoch, becauſe in the reign of James I it was eſteemed an ancient and authentic code: but this argument is anſwered in the text, and ignorant ages are ſuch complete ſtrangers to any ſtandard of antiquity, that the *Leges Malcolmi*, a then recent forgery, were ſuppoſed to be laws of Malcom I! To our old hiſtorians, Fordun and Winton, the Regiam Majeſtatem is unknown, and it is moſt probable that David II, when attempting to ſettle the ſucceſſion of his crown on a ſon of Edward III, endeavoured ſilently to aſſimilate the Scotiſh laws with the Engliſh, by its introduction. Yet failing, the book lurked in MS. in one or two monaſteries, when James I, equally deſirous of benefiting his kingdom by an emulation of Engliſh polity, revived it: but Craig, a ſuperlative judge, teſtifies that it never was a code of Scotiſh law, and that it has not even the leaſt connexion with the uſages or forenſic practice of Scotland. Lib. I, t. 8, § 7.

1437—1488 Laws, ſeem chiefly of genuine indigenous birth. But an edition of our authentic ancient laws, with an ample diſſerta-

Sir David's ſecond argument, p. 36, that the Regiam Majeſtatem is more ancient than the time of David II, is ſo ſingular that it ſhall be tranſcribed entire.

"To this I add another chronological argument, which appears to have ſome weight. Cardinal Wardlaw, ſecretary to David II, died in 1389. His nephew, Henry Wardlaw, was promoted by him to the rectory of Kilbride, and the precentorſhip of the cathedral of Glaſgow. He was made biſhop of St. Andrew's in 1404: and was chancellor of Scotland during the whole reign of James I. It will be admitted that the ſtatute 54, par. 3. James I, 1425, [1426,] was either drawn up by him, or under his direction. Now as biſhop Wardlaw was beneficed by his uncle, it is probable that he had come to man's eſtate before 1389, when his uncle died. Biſhop Wardlaw, educated under the Cardinal ſecretary to David II, muſt have known whether Regiam Majeſtatem was an ancient, or a very modern, compoſition. This 54th ſtatute ſhews that he conſidered it as an ancient compoſition: and hence, independent of all other arguments, there ariſes a cogent reaſon for believing that Regiam Majeſtatem was not compiled by the command of David II."

This argument is of too delicate, too feeble a texture: it forgets that the forgery might have happened early in the reign of David; that it might be a ſtate ſecret; that the book may not even be older than the reign of James I, no more ancient MS. or reference being known; that this laſt prince was a rational admirer of Engliſh polity, and might wiſh to introduce it by a holy fraud; that the chancellor or ſecretary might in conſequence even interpolate, or alter, the ſtatute, a complaint not unknown. But why waſte diſcuſſion? What muſt be the reader's ſurprize when he ſees this cogent argument completely overturned, only by reminding him that Henry Wardlaw, far from being chancellor, "during the whole reign of James I," *never was chancellor at all?* It was John Cameron, biſhop of Glaſgow, who was chancellor during all that reign, (Crawf. Off. 25:) and the continued favour of James to this able and reſpectable prelate, ſays more in his favour than is ſufficient to confute the fables of Boyce.

The Cromarty MS. of the Regiam Majeſtatem, in the Advocate's Library, concerning the antiquity of which Sir David heſitates to pronounce, is written about 1450, as appears from a fac-ſimile now before me, and from the opinion of a ſkilful inſpector

tion

tion on the ſubject, is reſerved for enlightened times, of more acute and ſuſpicious judgment than thoſe of James I, or III. The code, of infinite importance to philoſophy, hiſtory and antiquities, would probably embrace, 1. The genuine laws of David I, forming many pages in the *Regiam Majeſtatem*, not to be found in Glanville: 2. The Laws of the Burghs, apparently ordained by David I: 3. Thoſe of the Baronial courts: 4. The *Statuta Gildæ:* 5. The *Iter Camerarii*, and the *Iter Juſticiarii:* 6. The Foreſt Laws. The acts of Robert I, David II, and the two latter Roberts, admit of eaſy and certain authentication: thoſe of William and Alexander II, for none have yet ariſen of the third Alexander, would require more ſedulous care to complete the ſeries; which demands neither eminence of talents, nor exceſs of labour, but is eſſential to the national ſcience and reputation [4]. 1437—1488

The obſcurity attending the reign of James II, the important ſervice which the houſe of Hamilton rendered to that prince, its ſubſequent connection with the royal family, and ambition latterly to reach the diadem itſelf, will apologize for preſenting the leſs learned reader with a tranſlation of the intereſting erection of Hamilton in 1445, into a hereditary lordſhip of parliament, or what would now be termed a peerage; nor is the grant without intrinſic value and curioſity to the antiquary and man of ſcience, as a ſpecimen of the conſtitutional forms, and law language of the period.

"James by the grace of God king of Scots, to all honeſt men of his whole realm, clergy and laity, greeting. Know

[4] The canons of the councils, publiſhed by Wilkins, and thoſe of John Cameron biſhop of Glaſgow, MS. formerly mentioned, ought to be added, as forming the eccleſiaſtical law of the kingdom. One ſmall volume would contain the whole.

For laws anterior to Robert I, ſee Ayloffe's Calendars, p. 335, where the *Leges Burgorum Scotiæ* are ſpecially mentioned.

1437—1488 ye that we, with the mature deliberation of our parliament, held at Edinburgh on the twenty eighth day of June, and of our reign the ninth year, have given, granted, and have by this our preſent charter confirmed, to our beloved couſin James *lord* (laird) of Hamilton knight, all and ſingular the lands of the baronies of Cadyhow and of Mawchane, and the ſuperiority of the lands of Hamilton-farm, and the lands of Corbaſkat, with the appendages, lying in the ſheriffdom of Lanark and barony of Kinneil, and with the appendages lying in the ſheriffdom of Linlithgow. Which lands, and ſuperiority, were formerly the hereditary property of the ſaid James; and which he, not moved by force or fear, nor led by error, but of his own free will, did reſtore, and purely and ſimply reſign, by ſtaff and baton, in the preſence of the three eſtates of our kingdom, into our hands, we then ſitting on our throne in parliament, in royal ſtate and majeſty; and he perpetually quitted all right and claim, which he might have, or acquire, to the ſaid lands, ſuperiority, or appendages, for himſelf and his heirs. All which baronies, lands, ſuperiority, and appendages, we create, join, and unite into one real free and entire Lordſhip, which ſhall in all future times be ſtyled and denominated the Lordſhip of Hamilton. And the manor-houſe of the ſaid James, now called the Orchard, ſituated in the barony of Cadyhow, ſhall be in future the principal and capital meſſuage of all the above baronies, ſuperiority, and lands, with appendages, of all the above Lordſhip, and ſhall be ſtyled and denominated *Hamilton*. And we create and name the ſaid James an hereditary lord of our parliament. To have, and to hold, all and ſundry the baronies, ſuperiority, and lands above mentioned, (the ſaid James having before of us, as baron of Kilbride, held *in capite* the ſuperiority of the lands of Hamilton-farm, and the lands of Corbaſkat,) by the ſaid James, and his heirs, of us, our heirs

heirs and ſucceſſors, kings of Scotland in fee, and perpetual inheritance; with all their ancient boundaries and diviſions, with all and ſingular the liberties, commodities, and conveniences, and juſt appendages, named or not named, above ground or beneath, far and near, anywiſe belonging to the ſaid baronies, ſuperiority, and lands; of all the ſaid lordſhip of Hamilton, or accruing to them in future; as freely, quietly, entirely, honourably, well, and in peace, in all reſpects, as the ſaid James, or any of his predeceſſors, held of us, or our anceſtors, the barony ſuperiority and lands of the whole lordſhip of Hamilton, or of us as baron of Kilbride the ſuperiority of Hamilton-farm and lands of Corbaſkat, before his ſaid reſignation. The ſaid James performing to us, our heirs and ſucceſſors, kings of Scotland, the ſervices due and wont. In teſtimony whereof we have ordered our great ſeal to be appended to this charter, before theſe witneſſes, the reverend fathers in God John, James, John, John, and Michael, biſhops of Glaſgow, Dunkeld, Moray, Brechin, and Dunblane; William, David, Archibald, Hugh, and Alexander, earls of Douglas, Crawford, Moray, Ormond, and Huntley, and our deareſt couſins; Duncan, Patrick, William, Herbert, and Alexander, lords Campbell, Graham, Somerville, Maxwell, and Montgomery: John Dalrimpill, John Scrogs, and James Parklee, burgeſſes commiſſioners of Edinburgh, Aberdeen, and Linlithgow; maſters William Turnbull keeper of our privy ſeal, John Shevis, clerk of the rolls and regiſter, and John Railſtone our ſecretary. At Edinburgh the third day of July, in the year of our Lord one thouſand four hundred and forty five, and of our reign the ninth year[s]." 1437—1488

[s] Davidſon, Chamberlain's accompts 1329, &c. Edin. 1771, 4to, p. 27, 28, from the family archives.

At

1437—1488 At the time of this erection the houſe of Douglas was in the plenitude of its power; and the Hamiltons having ever been attached to that great family, the ſource of favour becomes evident; nor is it matter of ſurprize that lord Hamilton at firſt followed Douglas, againſt his ſovereign. After the fall of that houſe, and the marriage with the princeſs, the Hamiltons were to become one of the moſt potent families of Scotland; and in the ſixteenth and ſeventeenth centuries that of Argyle could alone conteſt the ſuperiority.

To the obſervations formerly given on TACTICS little can be added. In a parliament of 1456 James II ordered, "that all men who have lands or goods be ready, horſed and accoutred as their lands and effects will afford, for the defence of the realm, at the command of the king..... And that every man, whoſe effects extend to twenty marks, be provided at leaſt with a *jack* with ſleeves to the hands, or ſplents; and a *pricked hat*, a ſword, and a buckler, a bow and a ſheaf of arrows if he can procure them, if not an axe; and a targe either of leather, or firm board, with two bands upon the back [6]."

James III in 1471 ordained, "that no merchants ſhould import ſpears leſs than ſix elns in length, and that no bowyer in the kingdom ſhould make them of ſhorter ſize... that every yeoman, who cannot uſe the bow, ſhall have a good axe, and a targe of leather, to reſiſt the Engliſh arrows, which will only coſt the value of the hyde [7]." By both parliaments *carts of war* are ordered to be provided, which bore two patereros or ſmall cannon; a machine probably derived from the Flemings or French; and which Henry VIII was, from the Scotiſh example, to introduce into the Engliſh army [8].

In

[6] cap. 56. [7] cap. 45.

[8] They are repreſented in the Coudray picture. Groſe hiſt. of Engl. army, 2 vols. 4to, II, 330, a work unlike Daniel on the French, and without plan or chronology.

The

In 1481 the ſpears are ordered to be five elns and a half in length; and the jacks, or leathern tunics, to extend below the knee; the targe of timber, or leather, to be made after the form of one ſent to every ſheriff[9]. 1437—1488

While the defenſive armour of the commons was the jack and targe, the leaders were arrayed in plate armour of complete ſteel, which had ſucceeded the mail or interwoven rings. The helmet had a viſor to turn up, for fight; and a bever to turn down, to admit drink or food: ſometimes they both went up in diviſions under the front of the helmet, ſo as to leave the face open. The gorget, for the throat or neck, reſembled a flat baſon open in the middle. The cuiraſs covered the body; and had projections to defend the ſhoulders from the violent down-ſtroke of the axe or two handed ſword, as the creſt defended the head; theſe projections were termed paſs-guards. To allow motion to the thighs the culet, or *garde-des-reines*, a ſhort ſteel petticoat was contrived. The arms were protected by the braſers; the thighs by the quiſſets; the legs by the greaves; the gauntlets, ſplents, and other pieces, need hardly be enumerated. Even the horſe had his armour of appropriated denominations; and all his front was particularly protected from the ſpear, or ſword: the chafron, or cheveron, with a projecting point, covered his forehead; the poitrinal his breaſt; the criniere his neck: the buttock-pieces were

The ſtatute of James II concerning the carts of war is in theſe terms, "It is thocht ſpeidfull that the king mak requeiſt to certane of the greit burrowis of the land, that ar of ony mycht, to mak cartis of weir; and in ilk cart twa gunnis, and ilk ane to have twa chalmers, with the remanent of the graith that efferis thairto; and ane cunnand man to ſchute thame. And gif they have no craft in the ſchuting of thame as now, they may leir or the tyme come that will be neidful to thame." Acts edit. 1566, fol. 38. [9] cap. 81.

more

1437—1488 more rarely uſed, an embroidered cloth commonly diſplaying the heraldic bearings of his maſter [1].

The aſſaſſination of James I probably led to the inſtitution of the royal guard, which appears under his ſucceſſor, and James III; but which James IV was probably to diſcontinue, as on its revival by Albany, in the minority of the fifth James, it was regarded as a novelty. Concerning the number, or pay of the officers and ſoldiers, nothing ariſes till the laſt mentioned reign.

The Scotiſh guards of France were apparently inſtituted between the years 1453 and 1461; though they may be as ancient as 1445, when the *gendarmerie* were reſtored. In the following century the captain was generally a Frenchman: till 1612 many of the ſoldiers were Scots; under Louis XIV moſt were French: yet even in the middle of this century, when the watch was changed, the anſwer was *Hamir*, a corruption of "I am here [2]."

If we except the royal guard, and a few occaſional garriſons on the frontiers, Scotland was a ſtranger to any permanent troops, till the Reſtoration. France, her ally, had long ſet the example of ſtanding forces, at firſt the prop of a government, and latterly the ruin. The connexion between that country and Scotland may warrant a brief digreſſion on the origin of an inſtitution, which has produced ſuch memorable effects on the political arrangements of Europe. The original

[1] See Groſe on Armour 1786, 4to: and his Hiſt. of the Engl. Army, 2 vols. 4to.

Patten, in 1548, ſays the Scotiſh gentry were not diſtinguiſhable from the common ſoldiers, having jacks and doublets of white leather, and chains of *latten* (a ſhining mixture of braſs and tin,) around their thighs and arms, to protect them from cuts.

[2] Daniel Milice Françoiſe, Amſt. 1724, 2 vols. 4to. Vol. II, p. 84—87. Daniel's Engliſh is *bbay hamier!*

feudal

feudal array of France generally ſerved for three months, on their own charges: the period was afterwards reſtricted to forty days, excluſive of the time occupied in joining the army or returning. About the year 1200 Philip Auguſtus, had a paid militia, each fief furniſhing and defraying the expence of an apportioned number of ſoldiers; the defaulter was not only conſtrained to pay the ſum required for the ſervice, but a fine: and in 1392 Charles VI extended the penalty to the forfeiture of the fief. The *communes*, *communitates*, or pariſhes and burghs, alſo furniſhed and paid their proportions. The *ſoldats*, or *ſoudoyers* of Froiſſart, had fixed wages; and the officers and men ſold themſelves to any ſtate engaged in war. But their diſorders becoming exceſſive, Charles V terminated them, and raiſed the *gendarmerie*, the ſoldiery of the ſovereign, who paid the noble leaders from the royal treaſury, they providing the men. In the weak reign of Charles VI the diſorders returned; Charles VII reeſtabliſhed the *gendarmerie* about 1445. He maintained fifteen troops, of 100 *lances* each; and perſuaded the burgeſſes and yeomanry to defray the expence, for their own benefit and protection, for the former *gendarmerie* had been lodged on them: each *lance* had five followers; ſo the whole number was nine thouſand. But there were alſo volunteers who ſerved at their own expence, in the hope of ſucceeding on a vacancy: ſo that the troop, or company, ſometimes amounted to 1200 horſe. They were lodged in the towns, only twenty or twenty five being allotted to one place; and their utility was ſoon perceived by the prevention of public ravages and diſorders, and the conſequent reſtoration of agriculture and commerce. They were all gentlemen, led by the nobles, who were ambitious to be captains of the gendarmerie, inſtead of leading their feudal force, which henceforth was never raiſed except when the *Arriere Ban* was ſummoned. 1437—1488

1437—1488 ſummoned. This inſtitution maintained its purity till the reign of Francis I, when modern ſoldiery appeared [2].

Nor muſt it be omitted that Charles VII ordered every pariſh to maintain one archer, who had certain immunities [3]; an example worthy of the imitation of the Scotiſh ſovereigns, in their anxiety to promote archery, as a band of one thouſand, trained and eminently ſkilled, might have afforded no mean aid in battle, and might have kindled univerſal emulation.

From the numbers of the Scotiſh army perhaps the only materials ariſe, from which the population of the country may be vaguely eſtimated: but unhappily the variations are ſo great that no accuracy can be expected. Bowar computes the array in 1436 at 400,000, half horſe half foot, including all between the age of ſixteen and ſixty, capable of arms, excepting only herds, officers and ſervants of prelates, and ſome excuſed from neceſſity or merit [4]. Suppoſing the array a ſixth of the population, the incredible number of two millions, four hundred thouſand, would reſult. Other general arrays are computed at one hundred thouſand; which ſuppoſing every eighth perſon appeared, gives the probable number of eight hundred thouſand. The preſent population exceeds a million and a half, and it has been gradually increaſing in this century: in the middle ages the moſt rational computation would be a million, yielding an array of eighty thouſand effective men; but ſometimes doubled by a diſorderly rabble of unarmed peaſants and boys.

[2] Daniel I, 55—156. Groſe, Eng. Army I, 330, obſerves that Edward III paid his troops in Normandy, ſixpence to a horſeman, three pence to an archer. At that time the dreſs of the Welch ſoldiers was only a tunic and mantle Ib. II, 2. [3] Daniel, I, 172. [4] Cont. Ford. II, 502.

SECTION

1437—
1488

## SECTION III.

### *Agriculture, Useful Arts.*

THE information on theſe important topics continues lamentably barren; and the acts of parliament preſent almoſt the only authentic evidence.

The ſtatute of James II, 1458, permitting lands to be let in *feu*, free from military ſervice, was a notable introduction to improvement[5]. The ſame prince had before ordained that a mortgagee of lands ſhould not reduce the rents, in order to prolong his poſſeſſion after his demand had been cleared[6]. An ordinance of James III alſo deſerves notice: "Concerning new inventions, and ſelling of lands by charter and ſeizin, and taking again of reverſions, and the buyer may ſell the land again to another perſon; it is now ſeen expedient in this preſent parliament, and according to law and conſcience, that the firſt ſeller have recourſe to the lands, ſold by him under reverſion, into whatſoever hands they may come, on paying the money, and ſhewing the deed of reverſion; and have the ſame privilege and freedom againſt the holder of the lands, as againſt the firſt purchaſer. And becauſe ſuch deeds of reverſion may chance to be loſt, our ſovereign lord ſhall order them to be regiſtered in his regiſter, on paying the expence, half a mark each; and the extract ſhall have the ſame force as the principal reverſion[7]."

[5] Lindſay in his Play, p. 254, ſays the cuſtom was derived from France,
Be let in few after the fourme of France.

[6] 1450, c. 18. [7] 1469, c. 28.

1437—1488 Lord Kaims ſuppoſes that the law of Scotland, even in that century, did not permit the abſolute ſale of lands, or houſes, except in caſes of poverty, and where the apparent heir could not purchaſe [8]. This reſtraint muſt greatly have impeded the progreſs of improvement, to which the free and frequent alienation of eſtates ſo much contributes; a new and monied poſſeſſor having many incitements, unknown to the indolence and routine of hereditary holders.

Severe ſtatutes were iſſued againſt thoſe foreſtallers, who detained their corn from the market, in expectation of a ſcarcity. In Auguſt 1452 it was ordered that all the corn in the kingdom ſhould be thraſhed out before the laſt day of May then next, and that none ſhould keep more in a granary than was ſufficient for their family. The meaſures were regulated in 1458; the firlot, containing eighteen pints, was to be ſixteen inches and a half in the recipient diameter; the half firlot, and peck, to follow in proportion [9].

A parliament, held in July 1454, ordered every encouragement to foreign merchants importing grain; and to Scotiſh merchants bringing it from England [1]. The act for that purpoſe in 1477 allows, as has already been mentioned, that the chief ſupport of the country was by foreign importation. The low ſtate, and ſlow progreſs, of agriculture may be further judged of from the ſtatute of James II, 1458, ordering that every man, uſing a plough of eight oxen, ſhould ſow every year at the leaſt one firlot of wheat, half a firlot of peaſe, and *forty* beans, under a penalty of ten ſhillings to the baron [2]: a mere tranſcript of a ſtatute of James I in 1426.

The ſame parliament of 1458 decreed that no fences ſhould be made of ſtakes, ſticks, or hewn wood, but only of *lyand*

[8] Hiſt. Law Tracts, p. 103, 427.
[9] Cap. 37, 73.
[1] Cap. 40.
[2] Cap. 81.

wood,

wood, a term not abſolutely clear[2]. Ordinances alſo appear for the deſtruction of eagles, buſtards, kites, hawks, and particularly wolves: for the latter purpoſe the ſheriff or bailiff of the county, where any appear, is to collect the people to hunt them; and the ſlayer of the wolf is to receive one penny from every houſeholder in the pariſh[3]. The burning of heath, from March till Michaelmas, is prohibited under the penalty of five pounds, that the ſtanding corn may not be damaged[4]. In 1477 the legiſlature condeſcended to ordain that a ſmith, who injured a horſe in the ſhoeing, ſhould ſupply another till he were found; or if irremediable, ſhould exchange him[5]. 1437—1488

The ſowing of broom is ordered by a ſtatute of 1458: it is ſtill maſhed, and given to cattle in a ſcarcity of other food. The ſame act orders the freeholders, when they grant their yearly leaſes at Whitſunday, to inſiſt on their tenants' planting wood and trees, and making hedges[6]. But theſe regulations ſeem to have had little effect; and a tenant liable to be turned out every year, muſt have had little ſpirit to plant or improve. Had the legiſlature ordered long leaſes, their ſkill and patriotiſm would have been more apparent. Even now the Scotiſh peaſantry object to hedges, becauſe forſooth they ſhelter flocks of birds, who injure the grain; while the warmth and protection from the wind, ſupply double the ſtore devoured by theſe intruders. So the uſe of oxen in agriculture is objected to by the ſervants, becauſe they cannot ride them. When we perceive what mean intereſts, and prejudices, oppoſe improvements in enlightened ages, there is leſs room to wonder at the ſlow progreſs of darker times.

An old chronicle has the following articles of intelligence. "1439. Was the dear ſummer, for the boll of meal was at

[2] Cap. 85. [3] 1458, cap. 84, 87. [4] 1477, c. 76.
[5] Ib. c. 79. [6] Cap. 80.

twenty

1437—1488 twenty four ſhillings, and the boll of malt at two marks, and the boll of wheat at fifty ſhillings; and many died of famine." In 1482, after the king's imprisonment in the caſtle of Edinburgh, "the corn became more cheap, for the boll, that was at four pounds, was then ſold for thirty ſhillings of white (pure) ſilver[7]." The learned Ruddiman eſtimates a boll of wheat in 1424 at two ſhillings; of rye, barley, and peaſe, at one ſhilling and four pence; of oats at ſix pence: an ox ſix ſhillings and eight pence; a horſe thirteen and four pence[8]. Even in 1523 the boll of meal was at thirteen ſhillings and four pence. The above ſcarcities muſt of courſe have been enormous, and ſhew the incredible diſtreſs of the country in times of internal commotion; the value of the commoneſt proviſions being increaſed about twenty fold, as if the Engliſh quarter were to riſe from ſixty ſhillings to ſixty pounds!

Concerning the Uſeful Arts little information appears. Special regulations were iſſued, in 1458, concerning works in gold and ſilver; the ſtandard purity of which is to be aſcertained by a mark, ſtamped on it by the deacon of the craft[9]. In 1484 three marks were ordered; one of the artificer, one of the deacon, the third of the town. No dyer of cloth is permitted to exerciſe the trade of a draper; and the meaſure of cloth is to be computed excluſive of the ſelvage[1]. Till a late epoch, Flanders was to ſupply Scotland with moſt of the articles of uſeful art and manufacture.

[7] Chron. end of Winton 17 D XX. The numerals in the laſt words are not clear, and may be xxii not xxx.

[8] Introd. ad Anderſoni Dipl. but his authority is the taxation act of James I, (ſee Appendix;) and it is probable the articles are not eſtimated at full price.

[9] Cap. 65. [1] 1484, c. 96. 1458, c. 66. 1469, c. 32.

SECTION

## SECTION IV.

### *Commerce, Money, Navigation.*

THE ſtate of commerce in Scotland at this period may beſt be eſtimated from the following lines of a noted old Engliſh poem, apparently written in the reign of Edward IV. It is intituled *The Bibel of Engliſh Policy*; and contains a number of juſt obſervations on the political intereſts of England, with ſome account of the trade of moſt countries [2]. That of Scotland is thus deſcribed. 1437—1488

" Of the comoditees of Scotland, and drapyng of her wolle in Flandres.

Alſo over all Scotland the comoditees
Are felles, hides, and of wolle the flees.
All this muſt paſſe by us away,
Into Flaundres by England, this is no nay.
And all her wolle is draped for to ſelle
In the townes of Poperyng, and of Belle;
Whiche the duke of Glouceſter, in grate ire,
For her falſhede ſette upon a fire.
And yit thai of Belle and Poperyng
Coude never drape her wolle, for any thyng,

[2] Extant in Harl. MS. 4011; and publiſhed by Hakluyt, Vol. I. It is quoted by Selden in his Mare Clauſum, for the noted lines,

Four thynges oure noble ſheweth to mee;
Kyng, ſhyp, ſwerd, and powar of the ſee.

But

1437—1488

But yef thei had Engliſh wolle with alle;
Our goodly wolle it is ſo generalle,
Nedfull to hem of Spayn, and Scotland als,
And other coſtes: this is not fals;
The worthi marchauntis, I do upon ydoo,
That this is trew ye wote wele how.
For the ſtaple of that marchaundie
Of Scotland is Flaundres truly.
Than the Scottes ben charged at ſye,
Out of Flaundres with litell mercerye,
And grete plente of haberdaſhe ware,
And with cart wheles bare,
And barowes are laden in ſubſtaunce;
Thus muſt rude ware ben her cheveſance.
So may thei not forbere this Flemyſh lond,
Therfore yef we wold manly take on hond
To kepe the ſee fro Flaundres, and fro Spayn,
And fro Scotland, and fro Litell Bretaigne,
We ſhold right ſone have peaſe, for all her boſtes,
For thei muſt nedes paſſe by oure Engliſhe coſtes."

The main objects diſcoverable from thoſe rude rimes are, that the chief exports of Scotland were fells or ſkins, hides, and wool; that the wool was manufactured at Popering and Bell, or Baileul, towns on the ſouthern Flemiſh coaſt, between Dunkirk and Calais; that to make fine cloth it was neceſſary to mingle it with ſome Engliſh wool: and that the Scotiſh imports from Flanders were mercery, but more haberdaſhery, cart-wheels, and wheel-barrows.

Further hints concerning commerce may be derived from the ſtatutes. Salmon formed an important article of export; in 1487 it was ordered that each barrel ſhould be capable of containing

containing fourteen gallons; and that each burgh dealing in that article ſhould have three iron hoops, to meaſure the caſk, which is afterwards to be marked with a hot iron. Cattle were not allowed to be ſold into England, except for ready money[3]. Many other regulations concerning merchandize have already been ſtated, in narrating the tranſactions of the parliaments. It is ſingular that an act of 1458[4], bearing that merchants muſt be burgeſſes worth at leaſt three *ſerplaiths* of wool, is only enacted by the clergy and barons; the intereſt of the burgeſſes being eſteemed a ground for excluding them from the deliberation. 1437—1488

A ſtatute of 1467 conſiderably illuſtrates the ſubject. "It is ordained that in future no ſhip be freighted without a charter-party, containing the following agreements; namely that the maſter of the ſhip ſhall find a ſufficient ſteerſman, *tymmer-men*, and ſhip-men fit for the ſervice. That the maſter gratuitouſly furniſh the merchants with fire, water, and ſalt. If there happen any contention or diſpute between the maſter and the merchants, they ſhall abide by the juriſdiction and decree of the town to which the ſhip is freighted. That no merchant's goods be torn or ſpoiled by improper ſtowage, nor anywiſe injured by the maſter or his ſervants, on penalty of loſing the freight, over and above compenſation for the damage. That the maſter ſtow no goods upon the upper deck, elſe they ſhall bear no freight; and no goods under deck, that may injure the others in a tempeſt. That every ſhip exceeding five *laſts* of goods ſhall pay to the chaplain of the nation in the foreign port, one ſack; and under five *laſts*, half a ſack; on the penalty of five pounds to the king. No drink money is to be paid to the maſter, or his agents. Each ſhip, homeward bound,

[3] 1487, c. 110. 1451, c. 35. [4] Cap. 67.

1437—1488 ſhall bring one tun of materials, for the church-work of the town to which it is freighted[5]."

Concerning foreign merchants an important regulation was iſſued by James III, in his laſt parliament 1487. "For the common profit of the whole realm, and to excite ſtrangers of other realms to viſit this, with grain and other merchandize, to ſupport the king's ſubjects; it is ordained, that in future all ſtrangers be treated honourably, with all favour, at whatever port they arrive. That none of our ſovereign lord's officers, nor other ſubjects, diſturb them, or arreſt their perſons, ſhips, or goods; but they ſhall have full liberty and freedom to diſpoſe of their goods, and ſell them to *free-men*, without compulſion or violence: nor ſhall any price be ſet upon their goods, except in fair bargain and ſale. That no new cuſtoms, impoſitions, nor exactions, be levied on them, but ſolely the ancient duties. And when any articles are wanted for the king, that his comptroller, or receiver, after the price has been ſettled, ſhall have as much of the firſt and beſt, as is neceſſary; for which immediate payment ſhall be made, that the ſtrangers may not ſuffer by the delay. That in future no perſon, under pretence of purchaſing for the king, take goods from ſtrangers, to ſell again, under the penalty of exile, and eſcheat of moveables. And any ſtrangers now in the realm, complaining of any goods taken from them, or any injury, ſhall have immediate payment and compenſation, according to juſtice: and in like manner any now abſent, who may arrive with complaints, ſhall receive compenſation and juſtice, againſt any perſon in the kingdom: ſo that by the adminiſtration of juſtice, and favourable treatment of all ſtrangers, they may be excited to return, to the great utility of the whole kingdom[6]."

[5] Cap. 14. A *laſt* was about twelve barrels, or two ſacks of wool. See Skene Gloſſ. voce *Serplath*. [6] Cap. 114.

The

The ſame monarch, about 1476, grants a paſſport to ſome Florentine merchants[7]. Commerce was now in a flouriſhing condition in many countries: France, the ally of Scotland, had beheld Jaques Coeur, goldſmith or banker to the king, attain enormous wealth by induſtrious trade. In the reign of James II John Dalrymple had the ſingular title of *the king's merchant*[8]; and perhaps carried on commerce for his ſovereign's behoof. It has already been ſtated that James III had ſhips, his own private property; one of which was taken by a veſſel belonging to the duke of Gloceſter. Nor were the biſhops, and barons, averſe to this laudable ſpirit of adventure. 1437—1488

Of the annual value of the cuſtoms, and extent of the trade, no evidence remains[9]; and any further illuſtrations of the ſtate of commerce muſt be reſerved till another retroſpect, after remarking that the collector of the cuſtoms is, in the ſtatutes, termed the *cuſtomer:* and that ſums ariſing from them were often aſſigned by the monarch, as annuities of compenſation or reward.

The nominal value of the Scotiſh money, compared to the Engliſh, was about one to two, till 1451, when it became as one to two and a half; and five years after as one to three. In 1467 it was about one to three and a half: and at laſt, in 1475, as one to four: in which ſtate it continued till the reign of Mary. The gold coin has St. Andrew on one ſide, and the arms of Scotland on the other; and from the latter it was termed the Lion; it alſo bore the name of Demy, becauſe in the time of James I it weighed half the Engliſh noble. James III coined gold Unicorns, ſo called becauſe that animal

[7] Scotſt. Cal. 1476. [8] Ibid. Jan. and Aug. 1459.

[9] In 1365 the cuſtoms on wool were valued at eight thouſand marks yearly. 4to Regiſter, f. 41.

1437—1488 was choſen as the ſupporter of the Scotiſh armorial bearings; apparently by this prince, the ſupporter of the Stewart's arms having been a ſtag [1]. It is almoſt unneceſſary to mention that the *devices*, imputed to our monarchs, and retailed by our later hiſtorians, are the futile inventions of the laſt century [2].

The ſilver denominations were groats, half-groats, and pennies. Cochran, in the reign of James III, iſſued baſe groats and pennies; the former were called *placks*, and only paſſed for three-pence; in 1482 this corrupt coin was revoked [3].

The copper coinage of Scotland commences in 1466. Of James III there are only farthings: of his ſucceſſor pennies, half-pence, and farthings. A little ſilver is mingled, ſo as to conſtitute what is called billon.

The ſtatutes ſhew that Engliſh, French, and Flemiſh coins were not unfrequent in currency.

Concerning Navigation little can be added till the reign of James IV, though the Scotiſh navy commenced in that of his predeceſſor, when Wood and Barton began to diſtinguiſh themſelves. In 1458 the rates impoſed for repairing the harbour of Dundee were, ten ſhillings on every ſhip; five ſhillings on a *crayer*, buſs, barge, or *ballinger*; twelve pence on every *fercoſt*; and ſix-pence on large boats [4]. Other circumſtances may be found in the text and notes of the narrative.

[1] For the coin ſee Anderſon's Dipl. with Ruddiman's introduction; and Eſſay on Medals, London 1789, 2 vols. 8vo.

[2] They are quoted by Abercromby from one Keape's Genealogies written about 1680. Granger and Guthrie repeat the idle fictions. Anderſon gravely publiſhes them with the coins!

[3] Lindſay, 120. Chron. end of Winton, ſub anno.

[4] Anderſon Dict. of Commerce, I, 277.

SECTION

## SECTION V.

### *Eccleſiaſtic Hiſtory, Literature, Language.*

THE few incidents of eccleſiaſtic hiſtory are moſtly inter- 1437—
woven in the preceding books. Deſervedly jealous of the papal 1488
power, our kings continued to guard, by repeated ſtatutes, the liberties of the Scotiſh church, which in ſome meaſure correſponded with thoſe of the Gallican. In 1471 the purchaſe of any benefice or office at Rome was declared treaſon [5]; that avaricious court contriving at this period to draw immenſe ſums from moſt European kingdoms, by the ſale of benefices, by arbitrary taxations, indulgences, and other arts: but the expence of the bulls of confirmation was to continue a ſevere tax on the Scotiſh biſhops and abbots.

The clergy loudly exclaimed againſt James III, for quaſhing the freedom of election, and aſſuming into his own hands the nomination to vacant benefices, which he ſometimes ſold to laymen. This right was to become a conſiderable ſource of influence to the crown, when no minority intervened; but it was perhaps one cauſe of the enmity betrayed by Mair, Boyce, and other eccleſiaſtic writers, againſt the royal family and prerogative. The avarice of the pope, a churchman, would have been more tolerable to them than that of their ſovereign; and the injury of their holy monopoly was an unpardonable offence. James I had, in his firſt parliament, ordered that no clergyman ſhould paſs or ſend an agent out of the realm, without permiſſion; and that no benefices ſhould be purchaſed [6]:

[5] Cap. 44. [6] Cap. 13, 14.

but

1437—1488 but the royal nomination ſeems rarely to have been exerciſed till the reign of James III; and the wealth of the church, which was at leaſt equivalent to that of all the lay-intereſt, became a great object of ſtate intrigue. In 1481 "it is ordained by the king and his three eſtates, concerning the privilege of the crown, uſed and obſerved in all times paſt, in the preſentation to benefices during a vacancy in the ſees of biſhops, that our ſovereign lord, and his ſucceſſors, ſhall in future, during the vacation of a ſee, have power to preſent to benefices, till the biſhop ſhew his bulls to the king's highneſs and to the chapter. And in caſe that our ſovereign lord, of his ſpecial grace and favour, admit any prelate to his temporalities before he ſhew his bulls, ſuch admiſſion ſhall imply no prejudice nor harm to his highneſs, concerning the ſaid privilege and right of preſentation [7]."

While even the penury of Scotland was taxed to pamper papal avarice, and luxury, the miſeries of other kingdoms were extreme. On the enquiry into the cauſes of the poverty of France, inſtituted in the States General held at Tours in 1484, though the *Tiers-Etat* chiefly conſiſted of clergy and *maiſtres*, it was agreed that the chief cauſe was the avarice of the popes, Alexander and Martin, which had drained the kingdom of not leſs than two millions of gold: much of the coin had alſo paſſed to England, and none remained in France except foreign money. The biſhoprics of France at that time amounting to one hundred and one, the abbies and conventual priories to more than three thouſand, the effects of papal extortion were very extenſive; and it is ordered that no legate be be in future admitted to pillage the kingdom [8].

It

[7] Cap. 85. [8] Jaligny hiſt. de Charles VIII, Paris 1684, folio, p. 399—409. See in the ſame work, p. 598, a papal diſpenſation, mentioning the days

It is not a little remarkable that the papal dominions themſelves, at a time when all the wealth of Europe was pouring into them, were almoſt a deſert; a ſtriking inſtance of the abſurd and heterogeneous nature of eccleſiaſtic power in temporal affairs. The ſtate of the church-lands in Scotland remains in obſcurity; but while the clergy ſometimes aſpired to commerce, they do not appear to have advanced agriculture. 1437—1488

Eccleſiaſtic cenſures, and excommunication, beginning to be deſpiſed in the reign of James II, they were enforced by ſecular penalties [9]. In 1469 the power of appointing notaries in civil cauſes was aſſumed by the king, though the German emperor had before been underſtood to poſſeſs that prerogative. Yet the regal notaries are to be examined by the biſhops; and the papal notaries retain their power [1].

The eloquence of the pulpit remained in a low condition. Some judgment of it may be formed from the latin oration of Whitlaw to Richard III, in which he quotes Virgil, Statius, Cicero, and Seneca; and among other arguments for peace ſays, "Chriſt was born in peace, was buried in peace, ſleeped in peace, and reſted in peace." Yet in England at that period Dr. Shaw, and Friar Pinke, were celebrated preachers at St. Paul's croſs, in the popular idiom to a popular audience; and perhaps inſtituted the execrable example of political ſermons, by promoting the ſanguinary uſurpation of Richard. In delineating the character of biſhop Kennedy, Lindſay ſays "he cauſed all parſons and vicars, to remain at their pariſh churches,

days of each month, on which Anne ducheſs of Bourbon might obtain remiſſion of all ſins, committed by her, or by any ten perſons whom ſhe might name. No religious ſyſtem ever perverted morality ſo much as the roman catholic; pardon for ſins is ever a dangerous tenet; a better creed would prevent crimes by denying any celeſtial pardon.

[9] 1443, c. 7. 1449, c. 11. [1] 1469, c. 31.

for

1437—1488 for inſtruction and edifying of their flocks, and cauſed them to preach the word of God unto the people, and to viſit them when they were ſick. And alſo the ſaid biſhop viſited every church within his dioceſe, four times in the year, and preached to the pariſhioners the word of God truly; and enquired of them if they were duly inſtructed in the word of God, by their parſon and vicar, and if their ſacraments were duly adminiſtered, and if the poor were ſuſtained, and the youth educated and taught, conformably to the order that was taken in the church of God. And where he found that order was not followed he made great puniſhment, to the effect that God's glory might ſhine through all the country within his dioceſe; giving good example to all future archbiſhops, and churchmen in general, to cauſe the patrimony of the church of God be uſed for the glory of God, and the common benefit of the poor [2]."

The remainder of the character of this venerable prelate may well intereſt the reader, as a picture of eccleſiaſtic worth, drawn in ſimple and pleaſing colours. "He was a man well learned in the civil laws, and of great experience in them; and by his genius, literature, knowledge, lengthened practice, and years, he knew the nature of Scotiſhmen ſo well, that he was the moſt able of all the lords of Scotland, ſpiritual or temporal, to give any wiſe counſel, or an anſwer when the time occurred, before the prince or the council; and ſpecially in the time of parliament, or when the embaſſadors of other countries came for their affairs, there was none ſo able as he to give them anſwer, conformably to their petition, and the deſires of their maſters. When any commotions occurred in

[2] P. 110, edit. 1778, 8vo. That ſermons were common in the vulgar tongue before the reformation alſo appears from the *Diarium Vazſtenenſe*, p. 150, where in 1489 the biſhop of Lincopen "fecit ſermonem ad populum *in vulgari*."

the

the realm, he ſhewed equal wiſdom; for he gave counſel to king James II, when he was ready to depart out of Scotland, for fear of the earl of Douglas who had gathered againſt him to the number of forty thouſand men, ready to give him battle, or elſe to chaſe him out of the realm." Lindſay adds that the biſhop led the king into his oratory; and after prayers produced a ſheaf of arrows, not to be broken when joined, but eaſily fractured apart: from this demonſtration of an Eſopian apologue he ſhewed that the power of the ariſtocracy muſt be aſſailed by degrees [3]. 1437—1488

The ſtate of the church may alſo be eſtimated from the old poem before quoted [4]. One of the queſtions is, Why the pious biſhops, and clergy, of former times, exerciſed all good works, and performed miracles; while no ſuch practiſe or power, appeared among their ſucceſſors? The anſwer is, that anciently the biſhops were choſen by the people, after invocation of the Holy Ghoſt, either from among the clergy of that chapter, or by ſelecting from thoſe of all the kingdom the perſon moſt proper for that particular ſee: that now they are appointed by the king, and introduced by the ſole hand of power; ſo that they can work no miracles, except by the ſpecial aſſiſtance of the devil: that no man procures a benefice by merit, literature, or even birth, but ſolely by gold, ſimony being accounted no tranſgreſſion: and the Holy Ghoſt having no hand in the election, his precious gifts were in conſequence not imparted; while the regal inſpiration could only confer the love of gold, a gift of no miraculous nature: and the biſhops being themſelves ſhorn, they practiſed the ſhearing of their flocks with

[3] Ibid. Lindſay is ſo fond of this ſtory, that he has interpolated it into his tranſlation of Boyce's reign of James II, p. 82—84; and repeats it here at full length.

[4] Prieſts of Peebles, *ubi ſupra*, p. 16, 17.

1437—1488 great aſſiduity and ſucceſs; this being the genuine meaning of the ſymbolic eccleſiaſtical tonſure.

While the biſhops, and many abbots, were lords as having ſeats in parliament, the inferior clergy were diſtinguiſhed by the titles of *Maſter* and *Sir*; the former perhaps appropriated to a Maſter of Arts, the latter to one who had paſſed all his degrees, or poſſeſſed a conſiderable benefice. When Mary of Gelder came to Scotland, Gerard Boot monk of the Chartreuſe, her confeſſor attended her; on a voyage to Flanders he was taken by the Engliſh and robbed. In recompenſe Henry VI orders him a preſent of twenty yards of fine black cloth [5].

Though the repeated internal commotions were unfavourable to the progreſs of literature, yet ſeveral writers aroſe during this period. Margaret the dauphineſs, as has already appeared, was a poeteſs in French; and perhaps ſome of her ballads and rondeaux may lurk in the libraries of France. Holland, the author of the Houlat, wrote about 1450; Henry the Rimer, a ſtrolling poet, repeated his fables concerning Wallace, about 1460 or 1470: and about the ſame period Clerk of Tranent ſeems to have compoſed his metrical romances on the adventures of Gawin, a knight of Arthur's court [6]. The riming prophecies, aſcribed to Merlin, Beda, and others, were of Engliſh growth; but were adopted in Scotland with all the credulity of a dark period, and had even their influence on public meaſures, theſe books of the Sybil being conſulted and repeated, in this and the following century, with great confidence in the application of the prediction [7].

[5] Rymer's Unprinted Papers, Britiſh Muſeum, No. 4610, art. 67.

[6] For the poets in general ſee the various volumes of ancient Scotiſh poetry publiſhed by the author.

[7] They are the beſt remains of the Engliſh poetry of the fifteenth century; and there is an excellent MS in the marquis of Lanſdowne's library.

Holland

Holland and Clerk build their ſtanza in a ſingular manner; and the alliteration, and frequent recurrence of the ſame rime, render their poetry affected and obſcure. 1437—1488

In the middis of Maii, at morne as I went,
Throw mirth markit on mold, till a'grene meid;
The blemis blyweſt of blee fro the ſone blent,
That all brychnit about the bordouris on breid.
With alkin herbis off air, that war in erd lent,
The fieldis flowryſchit, and fretful of fairheid.
So ſoft was the ſeaſons our ſovrane down ſent,
Throw the greabill gift off his godheid,
That all was amiable ower the air, and the erd.
Thus throw the clifts ſo clere
Above, but fallow or fere,
I waikit till a riweir,
That ryallye rer'd [8].

Nor in the liſt of poets muſt the author of the Tales of the Prieſts of Peebles be forgotten, whoſe homely rimes reflect conſiderable light on the manners of the age.

The chief chronicler of this period was Bowar, the enlarger and continuator of Fordon's work. He wrote in the year 1444 [9]; and Scotiſh hiſtory is indebted to his labour, though his deplorable defect of judgment render his work a mere chaos of materials, mingled with eccentric digreſſions, and excurſive reading. Yet from theſe the ſtate of learning in the country may be eſtimated. He quotes upwards of one hundred authors, and among them many latin claſſics; but former compilations no doubt ſupplied him with much of his erudition. The common uſe of paper rapidly increaſed the number of ma-

[8] Holland's Houlat, Scotiſh Poems Reprinted, III, 147.
[9] P. 490: in the 14th year of the age of James II, born in 1430.

1437—1488 nuſcripts: and the invention of printing was ſtill more to ſerve the cauſe of ſcience.

Bowar had unhappily no ſucceſſor till John Mair wrote in 1521: and for the affairs of the fifteenth century we are indebted to the reſearches of Lindſay, Ferrerius, Leſley, and Buchanan, who do not indicate their ſources of information. Yet apparently ſhort chronicles were written, and preſerved in the monaſteries, till they periſhed in the violence of the reformation, or mouldered amid the neglect of literature, in the ſucceeding century of eccleſiaſtic diſpute and fanaticiſm. In his laſt chapter Bowar ſays he deſiſts from writing, leſt he might ſeem to flatter the living actors; and he cloſes with the following advice. "It is properly ordered in moſt countries, and as I have heard in England, that every monaſtery of royal foundation ſhould have its appropriated ſcribe, to narrate the more memorable events, that occur during each reign, in that and the neighbouring countries, according to ſtrict truth, and chronology. On the death of a king, theſe chroniclers proceed to the firſt general council, and produce their labours; which are referred to the examination of the moſt ſagacious and ſkillful, who from the whole digeſt one ſummary chronicle. The books are then returned to the libraries of the monaſteries, as authentic chronicles deſerving of faith, leſt by the lapſe of time the memory of events ſhould periſh in the kingdom. So would I adviſe our king to order, leſt if the preſent work ſhould be loſt, which heaven forbid, the memory of popes, kings, peers, and illuſtrious men, ſhould alſo periſh; with the incitements to virtue, or the cautions againſt faults, which are afforded by the peruſal of their actions[1]." This advice was unhappily not followed: and our monarchs, amid their pa-

[1] P. 516, 517.

tronage

tronage of the arts, ſeem little to have attended to the utility and glory of national hiſtory. The monaſtic cellar was better repleniſhed than the library; and the jolly inhabitants preferred one terreſtrial beauty to all the nine muſes. In France, as has appeared in narrating the events of 1448, there was a chronicler at St. Denis, who inſerted narratives upon the oaths of the relators: and indeed every hiſtorian ought to write as if he had made a ſolemn aſſeveration, in the preſence of God and his country, that truth ſhall be his ſole purſuit. The judicious Forteſcue informs us that the chronicler of St. Albans wrote, at the end of every month, what had happened in its courſe: and that this work, which was called *Flores Chronicarum*, was of more authority than any in England [2]. 1437—1488

In the other departments of ſcience little appears. Sir Gilbert Hay, formerly chamberlain to Charles VII of France, in 1456 tranſlated Bonet's Arbre des Batailles, a once popular book of arms and heraldry, into Scotiſh, at the requeſt of William Sinclair earl of Orkney and chancellor [3].

For the language of this epoch the appendix may be conſulted, where ſeveral papers in Scotiſh will be found. In general there is little difference, in the ſpeech of England or Scotland, between this and the following century; and the ſpelling is as little redundant.

[2] Declaration of Sir John Forteſcue on certain writings ſent from Scotland, againſt the title of Edward IV to the Engliſh crown. MS. Harl. 1757.

[3] Mackenzie's lives Sc. writers from the MS. in his poſſeſſion.

SECTION

## SECTION VI.

### *Ornamental Arts, Manners, Dreſs.*

1437—1488 THE Gothic architecture had now attained its greateſt perfection, in ſublimity, richneſs, and variety. About 1444 William Sinclair, the celebrated earl of Orkney, founded a collegiate church at Roſlin, four miles from Edinburgh, for a provoſt, ſix prebendaries, and two ſinging boys[4]. A chapel, which remains entire, is a gem of Gothic architecture, univerſally known and admired.

James III was ſo fond of this art that Cochran, an architect, became his chief favourite. Beſides the great hall in the caſtle of Stirling, he founded the royal chapel there, an inſtitution of great magnificence for that age[5]. The dean was to be the queen's confeſſor, and to have epiſcopal juriſdiction: this dignity was firſt annexed to the provoſtry of Kirkheugh near St. Andrew's, another royal chapel; and afterwards to the biſhopric of Galloway. There were beſides a ſub-dean, ſacriſtan, chanter, treaſurer, chancellor, arch-deacon, ſixteen chaplains, and ſix ſinging boys, with a maſter of muſic. The endowments conſiſted of two abbies, numerous churches, and lands. James IV was to maintain and enlarge the inſtitution; and to procure the papal confirmation[6]. The architecture,

[4] Bowar, 541, ſays it was building when he wrote, 1444. Crawf. Off. 34, dates the foundation 1441. And ſee Spottiſwoode, Rel. Houſes, p. 288. If the remaining chapel be the chief fabric, it can hardly be called a collegiate church. [5] Lindſay, &c. [6] Spottiſwoode, ib.

and

and decorations, apparently correſponded with the greatneſs of the revenue annexed, and with the royal favour and piety. 1437—1488

In the year 1458 biſhop Kenn y founded St. Salvator's college in St. Andrew's: and erected a magnificent tomb for himſelf in which he was interred in 1466[7]. This tomb is a favourable ſpecimen of the ſtate of the arts at that period. But a Turkiſh cuſtom, of a plain ſtone, with a large hole or two to collect rain-water, that the birds may find drink, breathes more of chriſtian humility and charity.

The large golden medal of James III, appended to the ſhrine of St. John at Amiens, and minutely deſcribed by Du Cange, was probably the production of an Italian or Flemiſh artiſt. That ſome eminent foreign painter had alſo viſited Scotland about 1482, appears from the celebrated picture at Kenſington, in the form of a folding altar piece, painted on both ſides, or in four compartments. The firſt repreſents the king kneeling; behind him is his ſon, a youth about twelve years of age, which aſcertains the date; and St. Andrew the patron ſaint of Scotland. The royal crown is not arched, nor was apparently till the reign of James V, when new regalia were ordered, but it has high fleurons of great richneſs; the robe is of a lilac hue furred with ermine; the veſt, cloth of gold. In the ſecond compartment the queen appears, alſo kneeling, in a kirtle of cloth of gold, and blue robe; her head-dreſs one blaze of gold and jewels: the arms depicted with exact heraldry indicate the daughter of Denmark; and behind her is a perſonage in plate-armour, apparently her father in the character of St. Canute, the patron of his kingdom.

Of the two compartments, on the reverſe of this grand piece, one repreſents the Trinity. In the other an eccleſiaſtic

[7] Ibid.

kneels;

1437—1488 kneels; but his heraldry of three buckles and a cheveron can hardly be traced, except to the obſcure family of Bonkil in the Merſe [8]. Behind is a kind of organ, with two angels, not of ideal beauty, and perhaps portraits of the king's two ſiſters, Mary lady Hamilton, and Margaret then unmarried; a conjecture ſupported by the uncommon ornament of a coronet on the head of one of the angels. Hardly can any kingdom in Europe boaſt of a more noble family picture of this early epoch: and it is in itſelf a convincing ſpecimen of the attention of James III to the arts [9].

In

[8] It may be Sir William Rogers, or ſome other eminent foreigner.

[9] The ſtyle of painting, as uſual in ſuch early pieces, is that of the miniatures in manuſcripts enlarged, originally the productions of monks and nuns. In that curious work the *Diarium Vazſtenenſe*, publiſhed by Benzelius at Upſal 1721, 4to, being a minute chronicle of events happening at Wadſtena, on the Wetter lake, in a convent of monks and nuns united, a privilege peculiar to frigid regions, the following notices occur, concerning the arts nouriſhed by the monaſteries.

"1477. Dominica infra octavas b. Martini, obiit ſoror Botildis Pædhers dotter, quæ fuit bona ſcriptrix, et ſcripſit magna volumina, miſſalia et alia."

"1487. In tertia dominica poſt octavas epiphaniæ Domini, Dn. Henricus epiſc. Lincopenſis conſecravit unam virginem in ſororem, nomine Chriſtinam Henrikſdotter, natam Upſaliæ, et unum fratrem laicum, nomine Gerardum, natione Theotonicum, qui novit ſculpere et depingere."

"1491. In die S. S. Coſmæ et Damiani tranſibant fratres Petrus Ingemari ſacerdos, et Gerardus laicus, verſus Lubeck, ad faciendum imprimi libros cœleſtes Revelationum S. Birgittæ. Et poſt annum evolutum, impreſſis et perfectis octingentis voluminibus in papyro, et ſedecim duntaxat in pergameno, redierunt in monaſterium ſuum, anno Dn. 1492, circa feſtum S. Katharinæ virginis et martyris."

"1520. In craſtino S. Gregorii obiit ſoror Chriſtina Hanſſadotter Braſka, anno a ſua profeſſione lxvii. Hæc fuit bona ſcriptrix, et ſcripſerat plurimos libros. Deo gratias."

The unicorns, or gold coins, of James III are of good artiſts for the time. For the ſeals of this and preceding periods may be conſulted the work of Mr. Aſtle

In deſcribing the character of that prince, Ferrerius mentions that he not only loved literature, and invited John Ireland a celebrated Scotiſh doctor of the Sorbonne into his kingdom, and rewarded his talents with a rich benefice; but extended his patronage to muſic in particular. William Roger, an excellent Engliſh muſician, having attended the embaſſadors of Edward IV into Scotland in 1474, James was delighted with his performances; and perſuading him to remain in his court, raiſed him to knighthood. "Under the inſtruction of this man, the moſt celebrated of his profeſſion, numerous eminent muſicians aroſe in the court of Scotland: and, even ſo late as 1529, many great muſicians boaſted that they were of his ſchool [1]." 1437—1488

Holland, in his poem of the Houlat or owl, apparently a ſatire on James II, by a partizan of the houſe of Douglas, mentions no leſs than twenty five kinds of muſical inſtruments [2].

In proceeding to conſider the ſtate of Manners, the military exerciſes attract the firſt notice. To promote the practiſe of archery, the games of foot-ball, and the golf, continued under ſtrong prohibition. Yet the highlanders appear to have been the chief archers in the ancient Scotiſh armies, while the lowlanders preferred the ſpear. In deſcribing the army of James III, in 1488, Lindſay enumerates no leſs than ten thouſand highlanders with bows, under the earls of Huntley and Athole [3]. Repeated ſtatutes were ineffectual to introduce

Aſtle on the ſubject; and the drawings, preſerved in ſome MS. collections by Sir James Balfour, in the Harleian library. The ſeals of the middle ages in general are well illuſtrated by Manni, *Oſſervazioni Iſtoriche ſopra i Sigilli*, Florence 1739—1744, 6 vols. 4to.

[1] f. 391.

[2] Scotiſh Poems, 1792, Vol. III, p. 179.

[3] The author of the Preſent State of Scotland, 1682, mentions, p. 6, bows and arrows as the chief weapons of the highlanders, even of that period.

1437—1488 archery in the lowlands. One of the moſt preciſe is that of James II, in his noted parliament of 1458. "It is decreed and ordained that the diſplays of weapons be held by the lords and barons, ſpiritual and temporal, four times in the year: and that the foot-ball and golf be utterly cried down, and not to be uſed. That the bow-marks be made, a pair of buts at every pariſh church, and ſhooting be practiſed. That every man ſhoot ſix ſhots at the leaſt; and that two pence be levied upon the abſent, for drink to the ſhooters. The practice to laſt from Eaſter till All-ſaints; and all to be ready by next midſummer. That there be a bowyer, and fletcher, in every chief town of a ſhire; the town to furniſh them with the neceſſary materials to ſerve the country. The penalty on foot-ball and golf, a fine to the baron; and if he neglect, the king's officers ſhall levy it. If the pariſh be large, there ſhall be three, four, or five bow-marks, in the moſt convenient places; and that all men exceeding twelve and under fifty years of age practiſe archery [4]."

Among the great the chief exerciſe of arms was the ſolemn tournament, which might almoſt be claſſed under the head of Tactics, did that ſcience comprize the preparations for war. Theſe grand diſplays of martial ſkill were ſeldom undertaken by any, ſave thoſe who had been ſolemnly inveſted with the order of knighthood, an inſtitution forming a kind of fraternal ſociety throughout Europe, and which contributed not a little to diveſt war of its horrours, to abate national animoſity, and to promote the intercourſe and conſequent civilization of remote kingdoms.

Knights were generally created with great ſolemnity by the king himſelf; ſometimes by the general, or other aged knights

[4] Cap. 64.

of

of eminent fame before a battle. The ancient oath adminiſ- 1437—
tred in Scotland has been preſerved, and deſerves inſertion, as 1488
a curious relique of the ſpirit of chivalry.

1. " I ſhall fortify and defend the chriſtian religion, to the uttermoſt of my power.

2. " I ſhall be loyal and true to my ſovereign lord the king; to all orders of chivalry, and to the noble office of arms.

3. " I ſhall fortify and defend juſtice at my power; and that without favour or enmity.

4. " I ſhall never flee from my ſovereign lord the king; nor from his lieutenants, in time of affray or battle.

5. " I ſhall defend my native realm from all aliens and ſtrangers.

6. " I ſhall defend the juſt action and quarrel of all ladies of honour, of all true and friendleſs widows, of orphans, and of maidens of good fame.

7. " I ſhall do diligence, whereſoever I hear that there are any murderers, traitors, or maſterful robbers, who oppreſs the king's lieges, and poor people, to bring them to the law at my power.

8. " I ſhall maintain and uphold the noble ſtate of chivalry, with horſe, armour, and other knightly habiliments; and ſhall help and ſuccour thoſe of the ſame order, at my power, if they have need.

9. " I ſhall enquire and ſeek, to have the knowledge and underſtanding of all the articles, and points, contained in the books of chivalry.

" All theſe premiſes to obſerve, keep, and fulfill, I oblige me; ſo help me God by my own hand, and by God himſelf[5]."

The

[5] From a book intituled " Certain matters compoſed together," Edin. 1594, 4to, being a kind of Scotiſh court calendar. The oath occurs ſign. F. 2, v.

1437—1488 The Scotiſh knights continued to vye with any in Europe. The celebrated tourney of 1449 has already been briefly mentioned in the hiſtorical narrative, but a minute account of that noted conteſt ſhall here be tranſlated, as literally as poſſible, from the Memoirs of Olivier de la Marche, a contemporary Burgundian writer; as a picture of manners, delineated in plain and ſimple colours [6].

"When Meſſire Jaques de Lalain ſaw that there was no further occaſion for him there, he returned, and found the good duke of Burgundy in his city of Lille, who received him favourably: but he ſoon took leave of the duke, and ſet out for Scotland. He was accompanied by Meſſire Simon de Lalain his uncle, and Hervé de Meriadet, and many other worthy men; and ſo far as I underſtand Meſſire James Douglas, brother of the earl of Douglas, and the ſaid Meſſire Jaques de Lalain, had formerly wiſhed to meet in arms, and had fought each other for that purpoſe. At the inſtance of the ſaid Meſſire James Douglas battle was permitted by the king, between him and M. Jaques de Lalain: but the affair grew and multiplied ſo that a conflict *to outrance* was concluded on, of three noble Scotiſhmen, againſt M. Simon and M. Jaques de Lalain, and Hervé de Meriadet, all to fight at once before the king of Scotland. And when the day of the conflict came, the king moſt honourably received them in the liſts: and though I was not myſelf a ſpectator, yet I muſt recount the

whence it is copied in Selden's Titles of Honour, and Drummond's works. There are however modern interpolations, here omitted, as art. 1, "and Chriſtes holy evangel, preſently preached in this realm," an addition by the reformers: art. 4, "the king's *majeſtie*."

[6] Liv. I. c. 17; p. 271—274, edit. Gand 1566, 4to. Meriadet was a ſquire of Bretagne, ib. p. 265. Jaques de Lalain was at length killed by a cannon-ſhot in 1453, p. 394: the church and manſion of Lalain were in Hainault, a noted country of warriors.

ceremonies,

ceremonies, for example to future times. For three memo- 1437—
rable things occur, beſides the battle, which was moſt fiercely 1488
diſputed on both ſides."

"The firſt was, that when the three belonging to the court of Burgundy were all armed, and each his *coat of arms* on his back, ready to enter into battle, M. Jaques de Lalain ſpoke to M. Simon his uncle, and to Meriadet, and ſaid, "Meſſieurs and my brothers in the conflict, you know that it is my enterprize which has led us into this kingdom, and that in conſequence the battle has been granted to M. James Douglas; and although each of us may aſſiſt his comrade, I beg and requeſt you that, whatever befall me this day, none of you attempt to ſuccour me, for it would ſeem that you had paſſed the ſea, and entered into this conflict only to aſſiſt me; and that you did not hold or know me a man able to ſuſtain the aſſault and combat of one knight, and hence leſs account will be held of me and my knighthood."

"After this requeſt ſallied from the pavilions the champions in armour, furniſhed with axes, lances, ſwords, daggers; and they had leave either to throw or puſh their lances as they choſe."

"The two Meſſires James Douglas and Jaques de Lalain were in the middle, to encounter each other, which they did. On the right was M. Simon de Lalain, who was to engage a Scotiſh ſquire, and Meriadet was to meet a knight of high power and fame; but they found themſelves tranſverſe, ſo that the knight was oppoſite to M. Simon: and then Meriadet, (who deſired to aſſail him who was appointed, without regard to the ſtrength or fame of his antagoniſt,) paſſed acroſs, to place himſelf before M. Simon, and meet his man. But the good knight coldly and firmly turned towards Meriadet, and ſaid, "Brother let each keep himſelf to his opponent; and I

ſhall

1437—1488 ſhall do well if it pleaſe God." So Meriadet reſumed his rank before his antagoniſt: and this is the ſecond thing which I deſired to commemorate."

"The champions began to advance each againſt the other; and becauſe that the three on the part of Burgundy doubted leaſt the place might be too confined, for ſo many lances, they all three threw their lances behind them, (the third cauſe of my recital;) and ſeized their axes, and ruſhed on the Scots, who came within puſh of lance, but that availed them nothing. Though all fought at once, I ſhall rehearſe the adventures one after the other."

"The two Meſſires James, Douglas and de Lalain, met each other, and approached ſo nigh, that of all their weapons there remained none ſave a dagger, which the Scotiſh knight held. The ſaid M. Jaques de Lalain ſeized him by the arm, near his hand which held the dagger, ſo cloſely, that the Scot could not avail himſelf of it; and he held the other arm below the arm-pit ſo that they turned each other round the liſts for a long time."

"M. Simon de Lalain and the Scotiſh knight were ſtrong champions, and neither of them ſkilled in warding blows of the axe: like two valiant knights they attacked each other ſo often, that in a ſhort time they had cruſhed the viſors of their baſinets, and their weapons and armour, with mutual blows; and the fight ſeemed equal."

"On the other ſide was Hervé de Meriadet, whom the Scotiſhman attacked with the puſh of lance; but Meriadet turned off the blow with the but end of his axe, ſo that the lance fell from the Scot's hands: and Meriadet purſued him ſo keenly that, before the Scot could undo his axe, he came within his guard, and with one blow felled him to the earth. Meriadet then left the Scot to ariſe, who was quick, light, and

and of great ſpirit, and aroſe ſpeedily, and ran to Meriadet for the ſecond time. Meriadet, (who was one of the moſt redoubted ſquires of his time for ſtrength, lightneſs, coolneſs and ſkill in arms and in wreſtling,) received the aſſault with great compoſure, then returned it, and again ſtruck him to the ground with his axe; when the Scot again attempted to riſe, but Meriadet ſtruck him on the back with his hand and knee, and made him fall flat on the ſand. And notwithſtanding the requeſt which Meſſire Jaques de Lalain had made, the ſaid Meriadet, ſeeing the ſtruggle of the two knights, advanced to aſſiſt the ſaid Jaques; but the king of Scots threw down his baton, and they were parted. Now though it be againſt my plan, and though I write of this combat without having ſeen it, I nevertheleſs report it truly, by the report of the Scots and of our party." 1437—1488

Such is this curious contemporary relation. Other valuable materials concerning the manners of this period, may be found in the annals of De Coucy, another Burgundian coeval hiſtorian, who probably attended Mary of Gelder to Scotland in 1449, as before mentioned. On her landing, the clergy, citizens, and people of Leith, were ready to receive her; and ſhe thence proceeded on horſeback, behind the lord of Vere, to Edinburgh, where about ten thouſand people advanced to meet her. A biſhop, and the chancellor, conducted her to the monaſtery of the Jacobins, or Gray Friars. After the king's firſt viſit on thurſday, the counteſſes of Orkney, and March, and another, attended on her by the royal command. When ſhe had ſufficiently refreſhed herſelf from the fatigues of the voyage, James, on the following wedneſday, ſent to appoint the next day for the wedding; and preſented her with two hackneys worth about thirty French crowns. On thurſday, the wedding-day, the king came on horſeback, and was dreſſed

1437—1488 dreſſed in a grey robe lined with white cloth, boots and ſpurs. The queen was clothed with a robe of violet colour, lined with ermine; in a ſtrange faſhion, ſays De Coucy, if compared with thoſe of France; and her long hair hanging down. The coronation of the queen immediately followed the marriage[7]. From ſome of the preceding circumſtances it would rather appear that James II was auſtere in manners, and expence; and reverſed his father's magnificence, which was unpopular in a penurious country, and was imputed to an Engliſh education.

At the feſtival, which followed the ſolemnity, the firſt diſh was the figure of a boar's head painted, and ſtuck full of *hards*, or coarſe bits of flax, which was ſerved up in an enormous platter, ſurrounded with thirty two banners, bearing the arms of the king and chief nobles. The flax was then kindled, amid the joy and acclamations of the numerous and brilliant aſſembly in the hall. A ſhip of ſilver, exquiſitely wrought, was then introduced, probably containing ſalt and ſpices in diſtinct compartments. The earl of Orkney then entered, accompanied by four knights, preceding the firſt ſervice: and every ſervice was brought by about thirty or forty perſons all bearing diſhes. At the ſecond table the counteſs of Orkney, and other ladies, ſat with the lord of Vere. At a third was a *patriarch*, ſays De Coucy, perhaps a papal legate, or foreign viſitant, or ſome Scotiſhman enjoying a titular dignity; three biſhops, an abbot, and other churchmen; the five dignitaries drinking out of a large *hanaſh*, or bowl of wood, without ſpilling any: the wine, and other liquors, being as abundant as ſea-water. The dinner continued about five hours, there

[7] Hiſt. par De Coucy in the edition of Jean Chartier, Paris 1661, folio, p. 574—578.

being

being neither dancing nor ſupper. On the following days there was excellent cheer in their way, proceeds this author, which was very rude and ſtrange, when compared with that of France. In five or ſix days Vere ſet out on his return; and the king made *ſome* preſents. The queen weeped at their departure, though Iſabel de Lalain, and two or three other women, and as many men of her country, were left to ſerve her [8]. 1437—1488

In the reign of James III, the author of the old poem before quoted repreſents his three prieſts as enjoying their collation at Peebles, conſiſting of three roaſted capons with ſauce, and many other meats; and imputes to their deſire of privacy that they had only a boy to ſerve them. A *roundel* or round table, covered with a fair cloth, ſtands before them; and neither bread nor liquor are wanting. Taverns, and dice, are reprobated; and a merchant's cupboard of plate is eſtimated at three thouſand Scotiſh pounds, or about ſeven thouſand five hundred of modern ſterling currency [9].

The advances of luxury among the ariſtocracy, and clergy, may alſo be eſtimated by that of concomitant crimes. The two ſtatutes of 1450, againſt domeſtic and foreign importers of poiſons, ſhew that profligacy had made more rapid ſtrides than civilization. Another ſort of poiſon, bad wine, was interdicted by a ſtatute of 1482, declaring the penalty of death to any importer, ſeller, or compoſer of corrupted or mixed liquor [1].

[8] Ibid.

[9] P. 3, 11, 10. Beſides plate, *mazer* cups are mentioned by the Scotiſh poets. This ſubſtance, correſponding with the French *madre*, appears to be china, or earthen ware, painted like the old vaſes ridiculouſly aſcribed to Raphael.

[1] 1450, c. 30, 31. 1482, c. 89.

1437—1488 Game and hunting were luxuries of the great. In 1458 it is ordered that none deſtroy the neſts or eggs, or fowls themſelves when moulting; nor kill hares or rabbits in the ſeaſon of ſnow, on pain of indictment. A penalty of ten pounds is in 1474, impoſed on ſtealers of hounds or hawks, trained or untrained; or even taking eggs, or young hawks, out of neſts in another perſon's property: that for robbing the neſts of partridges or wild ducks is forty ſhillings. The ſlaughter of does, roes, or deer, in time of ſnow, or their young under a year's growth, is puniſhed by indictment, and a fine of ten pounds: and the ſtealing of deer or roes from incloſures or parks, rabbits, pigeons, or fiſh in ponds or ditches, is made liable to the ſame puniſhment as any other act of theft [2].

To diverſify the prolixity of a life of idleneſs, and relieve the formalities of ceremony, were objects attempted by the maintenance of a regular fool, who however had generally ſenſe enough to reſpect his maſter. He was diſtinguiſhed by his party coloured coat, his cap with large ears and bells, and his club or bauble, ornamented with groteſque alluſions to his profeſſion. The minſtrels and choriſters were muſicians, ſo termed becauſe in the middle ages church muſic was the only branch of the art which was regularly cultivated. But Lindſay mentions that a part of the choriſters of the chapel-royal at Stirling always attended James III, "to make him merry [3];" and it appears that the eccleſiaſtic muſicians did not diſdain ſtrains of recreation. In Holland's poem the minſtrels are ſolely occupied in ſinging hymns, accompanied with numerous muſical inſtruments [4]. The poets, compoſers of ſongs and romances, were generally of the clerical order: the term of

[2] 1458, c. 84. 1474, c. 60, 61. [3] P. 136.
[4] Scotiſh Poems, 1792, III, 177.

minſtrel

minſtrel was afterwards applied to any muſician, but the only ſtrolling poets were the Iriſh or highland bards, whoſe rude manners are depicted by Holland, and who are claſſed in the ſtatutes with common vagabonds: while James III ſo highly favoured minſtrels, or muſicians, that he permitted them to equal knights or heralds in their apparel. Holland's Iriſh bard ſings a wild ſong, and fabulous genealogy, in his native language: and afterwards fights with two fools, his proper equals and companions [5]. 1437—1488

The character of RIMER, or poet, was as ſuperior to that of minſtrel, as the *jugler* was beneath it. In Holland's curious production the *juglour* merely exhibits feats of manual magic; a view of hunting is followed by a ſea-fight: the king's cup is ſuddenly changed; a grey gooſe becomes a gold garland, ſand becomes ſilver; and the like experiments of common adepts [6].

Yet the belief in real magic, and witchcraft, was now prevalent both in England and Scotland. The ducheſs of Gloceſter had been impriſoned as a witch [7]: and about thirty years after we find many witches and magicians condemned to the flames in Scotland, for conſpiring with Mar againſt the king's life. This new folly was to vegetate, and flouriſh, for near three centuries.

The manners of the great may be further illuſtrated from the Tales of the Prieſts of Peebles. One queſtion is, why the peers have ſo much degenerated from their anceſtors in virtue, wiſdom, and valour? The anſwer is, that the royal officers of juſtice diminiſh the privileges of the lords, by indicting

[5] Ibid. 180, 181.

[6] Ib. 179. The vague appellations, and corrupt latinity, of the middle ages confound remote characters, as the minſtrel and jugler, &c.

[7] In 1442: and ſee many writs in Rymer *De ſortilegis capiendis.*

1437—1488 and fining their tenants for pretended crimes; ſo that the latter are reduced to poverty, and unable to arm themſelves properly to attend their maſters in war, or to pay their rents in peace. The peers in conſequence become poor themſelves, and endeavour to repleniſh their coffers by unworthy marriages with the opulent baſtard-daughters of prieſts, or heireſſes of merchants; or by ſelling the right of marriage of their ſons to rich commoners [8]. But this ſatire rather refers to the artful avarice of James III; and ſeems to evince that a great cauſe of the conſpiracy of the peers was their impoveriſhment, occaſioned by his exactions on pretence of the adminiſtration of juſtice; which, as appears from the ſtatutes themſelves, was never in a worſe ſtate than under his reign.

The Dreſs of this period may beſt be illuſtrated from ſeveral ſtatutes on the ſubject. The following is of Auguſt 1455 [9].

"Concerning the habits of the Earls, Lords of Parliament, Commiſſioners of Burghs, and Advocates, to be uſed in the parliament or general council, it is ordained,

"That all Earls ſhall uſe mantles of brown *granit* (or fine cloth,) open before, lined with white furr, and trimmed in front with the ſame furring, of a hand's breadth and down to the belt; with little hoods of the ſame cloth, pendent on the ſhoulders.

"And the other Lords of Parliament ſhall have a mantle of red, open in like manner before, lined with ſilk, or furred with *criſtie gray*, *griece*, or *purray*, (ſome furs inferior to the ermine worn by earls;) with a hood of the ſame cloth, furred as the lining.

"And all Commiſſioners of Burghs each to have a pair of clokes (a cloke) of blue cloth, furred to the feet, open on the

[8] Ut ſupra, p. 12, 13. [9] Cap. 47.

right

right ſhoulder; the fur of proportional value; and a hood of the ſame. 1437—1488

" Whatever Earl, Lord of Parliament, or Commiſſioner of the Burghs, ſhall enter the parliament or general council, except dreſſed as above, ſhall inſtantly depoſit a fine of ten pounds to the king.

" In every burgh, where a parliament or general council is to be held, there ſhall be erected at the bar three tiers of benches, each higher than the other, for the commiſſioners of the burghs to ſit upon; under the penalty of ten pounds to be raiſed on the town where the parliament or general council ſhall be held.

" All men hired as fore-ſpeakers (or advocates) ſhall wear green habits, in the form of a ſhort tunic, (*tunikil*) the ſleeves to be open like thoſe of a tabard. Any advocate otherwiſe appearing before the parliament or general council, and ſpeaking for a reward, ſhall forfeit five pounds to the king."

The curioſity of this ſtatute may excuſe a few remarks. The brown *granit*, worn by the earls, was perhaps a tawny fine cloth, a colour faſhionable in this century, till it was ſupplanted by a brighter tint *ſcarlet*; a term correſponding to *granit*, and applied by metonymy to the fineneſs of the cloth or to its colour. The common people, as has been already mentioned, were allowed to wear on holidays light blue, green, or red; tartan being as yet little known or confined to the great: but the fineſt cloths appear to have been generally dyed tawny or ſcarlet; while purple and crimſon were tints almoſt confined to velvets, and ſilks, and appropriated to princes. May it not be inferred, from the particular order for ſeats to the commiſſioners of the burghs, either within or without the bar, for the expreſſion is dubious, that they were ſometimes obliged to ſtand in the preſence of the haughty clergy and ariſtocracy?

In

1437—1488 In 1458 this act was confirmed; with the addition that the king ſhould order patterns of all the dreſſes to be made[1]. The ſumptuary law of the ſame year has already been ſtated in the firſt ſection of this retroſpect: it permits the dignified or rich clergy to wear gowns of ſcarlet with coſtly furs.

James III in 1471 ordered that, conſidering the great penury of the realm, and the expence of importing ſilk, none ſhould wear it in doublets, gowns, or clokes, whoſe revenue was under one hundred pounds Scotiſh money in landed rent, excepting knights, minſtrels, and heralds: and that women, whoſe huſbands came not within the above deſcriptions, ſhould not uſe ſilk in linings, but only in making the collar and ſleeves[2]. The dreſs of this prince, and his queen, has been already deſcribed.

The gowns and mantles were ſometimes indecently ſhort at this period, as appears from a penalty impoſed by an Engliſh ſtatute of the twenty-ſecond year of Edward IV. The doublet and hoſe were long to remain in the ſame form: but ſhoes, more than ſix inches broad at the toes, began to ſucceed the other extreme of long peaks. Louis XI of France, 1461—1483, appears in thoſe broad ſhoes[3].

On the 24th of June 1470 occurs a charter of the lands of Kilmarnoc, and others, forfeited by lord Boyd, to Margaret of Denmark, the queen, during her life, "for her robes, and to ſupply her with the ornaments of her head-dreſs[4]." Other minute particulars may be traced in the treaſurer's accompt for 1474, reprinted in the appendix. James Homel the king's taylor, and a favourite afterwards executed at Lauder bridge, has four elns of French black to make a long gown for the

[1] Cap. 68. [2] Cap. 46.
[3] See Camden's Remains, art. Apparel: and Montfaucon Mon. de la mon. Fr.
[4] Scotſt. Cal.

king,

king, which is lined with fuſtian. Hoſe of white cloth; ſhirts of fine holland; chamlet gowns, lined with lamb-ſkin; ſocks of white cloth; doublets and hoſe, lined with broad-cloth; a pair of ſpurs valued at four ſhillings; two elns of velvet to make two tippets, and furs to line them; a long mantle of velvet; a bonnet at fifteen ſhillings; and two hats at ten ſhillings each; a ſatin jacket lined with lamb-ſkin; grey cloth for *long ſocks*; black ſatin to cover a prayer-book; velvet for a *cheſabel* to his cloſet, and for his *brigintynis*; knobs of gold for his ſaddle; a *chymna* or grate for his cloſet; ribbons for his doublet and ſleeves; pillows covered with broad-cloth; drugs from Flanders; an eln of ſcarlet for his petticoat; a gown of cloth of gold, lined with ſatin, preſented to an Engliſh herald who attended the embaſſy; gloves, *muchis* or caps; are among the articles provided for the king. 1437—1488

For the queen are pattens and corks; livery gowns lined with grey for ſix ladies of her chamber on a pilgrimage to Whithern; ſatin for her *turrats*; black cloth for a *ſliding* gown; velvet for another gown; leathern gloves; a cloke and *capite bern* of black, lined with Scotiſh cloth; eight elns of broad cloth to cover a bathing vat, and three for a ſheet to put around her while bathing; hoſe of black cloth; ſeven elns of crimſon ſatin for a kirtle, and to cover bonnets *of tire*; a grate for her cloſet; *band-leather* for furring her gloves; five elns of *criſty gray*, at thirty ſhillings the eln, to line a gown of black damaſk; blue velvet to cover her ſtirrup-irons; half an eln of *double tartan* to line her riding collars; ſatin for tippets and collars; ſeven pounds for more than a year's ſhoes; ſatin for ſtomachers, and ermine to line them; twenty-ſix *beſtes of grece* to line a tippet; ten pounds thirteen ſhillings and four pence "for a maſs-book to her altar, at her command, by captain John Cat," who probably brought it from Flanders.

The

1437—1488 The chief articles for the prince, then a babe of two years, are ſhirts and caps of holland cloth; coats of brown lined with white cloth, and ſome of the latter for his cradle; fine broad cloth for his ſheets, or rather blankets; white hoſe and petticoats, and lawn caps; French brown cloth, and tartan with buckram binding for his cradle; Engliſh ruſſet for a gown to his nurſe; white fuſtian for blankets, and broad cloth for ſheets; a coat of ſatin, and a gown of cloth of gold, lined with blue tartan.

Theſe minute particulars will be excuſed, as they contribute more to illuſtrate the ſtate of manners, and dreſs, than the moſt elaborate diſquiſition.

# APPENDIX.

N° I. *Letter from the Earl of Douglas and Mar to Richard II. probably in* 1377. Cotton Library, Veſp. F. VII, f. 34.

TRES noble et peuſſant prince, Jeo monſtre par voi de compleinte a vous, Seigneur, et a votre bonne Conſaile, par ceſtes mes lettres, comment que John Mercer mon homme ore ad eſtee par grant temps tribuleez, et annoieez torcenouſement, deinz votre roialme, contre la vertue de noz grantz trews, comunement tailliez et accordez perentre les roialms: parla ou ile rienz ne meſpriſtes, mes que ile es ſes loials marchandiſes retournant en ſa payſe, par force de meer et tempeſte feut dejettuz au terre, et arreſtez par vos ſubgitz; et uncore par le Conte de Northumbreland detenuz en priſon. Au quoi, tres noble prince, vous pleas avoir regarde et conſideration; et par voz lettres au dit Conte faire commander expreſſement, que le dit John mon homme ſoit delivrez franchement, ſanz lui plus travailler et ryot faire. Kar au proſcheine joer de marche, ſi ceo vous pourra pleer, ile ſera preſent, pour y demonſtrer devant voz deputeez, que ile ny ad rien treſpaſſee ne meſpriſe en celle part, ſi Dieu pleaſt. Oultre ceo, tres noble prince, touchantz meiſtre Thomas Mercer, mon clerk, pour qui jeo eſcriva au votre nobleſſe devant celle temps, et monſtre... lement a vous, Seigneur, et a votre dit conſaille, les damages, coſtages, et perdes, qile ad ſuſtenue et fait durant ſa arreſte forpris; ſez tribulations, annoys, et tortz, qui amontent au deux centz marcs de ſterl. et oultre; des queux vous pleaſe luy faire avoir redreſſe et reſtorance en due maniere; ou aultrement celuy, ou ceux, qui luy arreſteint, commander pour comparer perſonalement au dite joer de marche, pour le charge ſoubtzaler devant voz deputeez ſuſditz, ou le dit mon clerk ſera preſt pour reſpondre et receiver ſemblable maniere, ſelont les uſages des joers des marches, par voi de reſon, ſi Dieu pleaſt. Tres noble prince, ceo qui vous pleira de commander, pour eſtre fait cellendroit, me deignetz leſſer ſavoir par vos lettres, oe le portour du ceſtes. Que luy toute peuſſant Dieu, par ſa treſſantiſme grace, votre nobleſce veulle demeſner au vie perdurable. Eſc. le xvime joer de Novembre *.

Le Conte de Douglas et de Marre.

(*Directed,* Au treſnoble et peuſſant prince le roy d'Engleterre.)

* 7 Rich. II, a note of Sir Robert Cotton.

## N° II. *Extracts from the Chamberlain's Roll, anno 1377.* Regiſter Office, Edinburgh.

Note, Part of it is conſiderably decayed.

COMPOTUM Johannis Lyoune Domini de Glamys, Cam. Scocie, reddit. apud Dunde, xviii die Marci, Anno Dni millmo, ccc, Septuag. Septimo, de omnibus receptis ſuis, et expenſis, pro officio Cam. in Cāma Regis, a tempore introitus ſui in dicto Officio, viz. a viceſimo die Octobris, Anno Dni Millimo ccc^mo^ lxx^mo^ vii^mo^ uſque in diem hujus Compoti.

Idem onerat ſe in primis de xiii li. vi ſ. viii d. rec. a vic. de Kyncardyne.

Summa patet.

Item, Idem onerat ſe de iii ſ. viii d. rec. a Ball. de Edynburgh. Et de xlvi ſ. iiii d. rec. a Ball. de Ruglen. Et de viii li. xv ſ. x d. receptis a Ball. de Innerkethyne. Et de iii li. v ſ. vi d. receptis a Ball. de Dunbret. Et de xxii ſ. viii d. rec. a Ball. de Monros. Et de viii lib. xv ſ. vi d. ob. receptis a Ball. de Abden. Et de xiiii li. ii ſ. viii d. receptis a Ball. de Innernyſs. Et de xx li. recept. a Ball. de Haddyngton. Et de iii li. iiii ſ. viii d. receptis per Ball. de Forfar.

Summa hujus Recept. lxi li. xvi ſ. x d. ob.

Item, Idem onerat ſe de cc li. recept per Cuſtumar. de Lythco. Et de xiiii li. xix ſ. ii d. ob. receptis per eoſdem Cuſtumar. Et de cc l. li. rec. per Cuſtumar. de Edynburgh. Et de clxviii li. xiii ſ. iiii d. recept. per Andream Bet, depōtorem dicte Cuſtume. Et de ccxxiii li. xvi ſ. rec. per Cuſtumar. de Hadyngton. Et de clxxi li. xvii ſ. xi d receptis per Cuſtumar. de North Berwyk. Et de xxxvi li. xiii ſ. ix d. recept. per Cuſtumar. de Dunbar. Et de xvii li. vi ſ. viii d. per Alexrum de Cokburn, depōit. de Hadyngton et de Dunbar. Et de iiii li. iii ſ. iiii d. recept. per Cuſtumar. de Stryvelyne. Et de c. iiii xx, xii li. iii ſ. ob. recept. per Cuſtumar. de Monros. Et de xxviii li. xi ſ. vi d. ob. rec. per Cuſtumar. Sancti Andree. Et de xiii li. x ſ. ii d. ob. receptis per Cuſtumar. de Dunde. Et de lxvii li. vi ſ. viii d. receptis per Patricium de Innerpeſyr, depōit. dicte Cuſtume de Dunde. Et de ccc xxxix li. x ſ. vi d. ob. recept. per Cuſtumar. de Abden. Et de cc lxi li. iii ſ. vii d. recept. per Willm de Leth, Depōitor.

pōitor. de Abden. Et de lvii li. vi ſ. viii d. receptis per Cuſtumar. de Innernyſs.

Summa hujus Recepti M. M. xxxvii li. ii ſ. v d. ob.

Item, idem onerat ſe de xiii li. vi ſ. viii d. recept. per David de Foulertoun a una Eſchaet.

Summa patet.

Et ii li. hic per exitus Curie Compot. quod non fuerunt tent. Itinera Cam. poſt deceſſum Dni Walteri de Byggar nuper Cam. prout in Septem Burg. que nuper tenuit Computans, de quibus non potuit levare exitus ante diem hujus Compoti, propter temporis brevitatem.

Summa totalis hujus Onerationis M. M. C. xxv li. xii ſ. viii d.

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Expenſ. ejuſdem. In primis Compotat in liberac. fact. Dno. nro. Regi, ad proprios uſus ſuos, ut patet per quatuor pecia literarum, ſub Signeto Anuli, iii c xxxii li. xv ſ. iiii d. Et in liberac. fact. Dne Regine, in parte Solucionis ſumme ſibi aſſignate, ut patet per tria pecia literarum ipſuis Dne Regine, de receptis ejuſdem ſuper Compotum, c l li. xv ſ. ii d. Et Compotat. in liberac. fact. Johi. de Diſpenſis, Clerico liberac. Domus Dni noſtri Regis, ad expenſ. ejuſdem Domus, ut patet per quindecim pecia literarum ipſius Clerici, de recept. ejuſdem ſuper Compotum, et per duas lras dni Alani de Largis, clerici liberac. ejuſdem, ſuper Compotum, c xxix li. iii ſ. x d. ob. de quibus reſponderunt. Et eidem Johi de Diſpenſ. clerico liberacionis ad expenſ. ejuſdem Domus, ut patet per tria pcia* literarum ipſius Clerici, de recept. ejuſd. ſuper Compotum, ix li. ix ſ. vi d. de quibus reſpondebit. Et dno Alano de Largys, tunc Clerico liberac. Domus Dni. noſtri Regis, ad expenſ. ejuſdem Domus, ut patet per quinque pecia lrum ipſius Clerici de recept. ejuſd. ſuper Compotum, xv li. ix ſ. de quibus reñdit. Et in liberac. factis Dno David Bell, Clerico Gardrob, pro diverſis receptis in dictam Gardrob, ut patet per tria pecia literarum ipſius Dni David de receptis ejuſdem ſuper Compotum, liiii ſ. x d. ſuper quibus reñdebit. Et in liberat. factis Dno noſtro Regi, ad proprios uſus ſuos, ut patet per unam literam ſub Signeto ſuo, xii li. xvii ſ.

Summa hujus expenſ. vi c liii li. vi ſ. i d. ob.

* Sup. pecia.

Item, Idem Computat in Soluc. fact. Mro Rich cementario, in parte ſolucionis ſibi faciend. pro factura tumbe Dni noſtri Regis qui nunc eſt, xiii li. vi ſ. viii d. Et Johi de Roos, ad Conſtruccionem * tris de Clony, xxxviii li. xiii ſ. iiii d. de quibus reſpondebit. Et Dno Comiti de Fyf, percipienti per annum, ad Cuſtodiam et ſuſtentacionem Caſtri de Strivelyne, in partem Solucionis dicte ſumme de anno hujus Compoti, ipſo Comite fatente rec. ſuper Compotum, lxvi li. xiii ſ. iiii d. Et Dno Roberto de Danyelſtoun militi, percipienti per annum per literas Regis ejus ſuper Compotum pro tempore vite Octoginta li. pro Cuſtodia Caſtri de Dunbret: de tempore hujus Compoti, ipſo fatente recept. ſuper Compotum, xxvi li. xiii ſ. iiii d. vidz. in partem ſolucionis dicte ſumme. Et Willmo de Fentoun pro uno termino xx li. Et Dno Jacobo de Douglas, filio Dni Comitis de Douglas, in partem ſolucionis ſumme ſibi debit. liii li. vi ſ. viii d. Et Mro Jacobo Monetario, de dono Regis, iiii li. vi ſ. Et Dno Patricio de Grahame, Dno Symoni de Ketnys, et Johi Marc, Nunciis miſſis in Angliam, c li. Et Dno Abbati de Abbroth, pro Comite Moravie, cui Rex tenebatur in una ſumma pecunie xii li. Et Dno Jacobo de Lyndeſay percipienti per annum, pro tempore vite ſue, viginti li. pro feodo Vicecom. de Lanark, de tempore hujus Compoti xx li. Et Patricio de Innyrpefyr, Depōtario apud Dunde, pro ſuo ſervicio, vi li. xiii ſ. iiii d. Et eidem pro ſuperexpens: ſuis Compoti ſui redditi de dicto Depōito, xiii li. xviii ſ. viii d.

Summa hujus Expenſ. iii c. lxxv li. xi ſ. iiii d.

Item, Idem Compotat in Solucione facta Magro Johi de Peblys, Archidiac. Sti Andree, pro penſione ſibi aſſignat: namque ſuſcepit Officium Canc: de anno vz lxx^mo^ ſexto, xiii li. vi ſ. viii d. et. Johi Rollok percipienti per annum ex infeodacione Regis hereditar. ut patet in Rotulis Compotorum preceden. de anno hujus Compot. x li. Et Johi Gray, clerico Rotulorum et Regiſtri Regis, percipienti per annum Viginti libr. pro predicto officio, pro tempore vite, de Anno hujus Compoti xx li. Et Dno Alano de Largis, clerico probacionis domus Regis, pro feodo ſuo, de Anno hujus Compoti xl li. Et dompno David Bell, Clerico Gardrob. pro feodo ſuo de Anno hujus Compoti, et de Anno precedent. de quo non percepit feodum, xx li. Et Johi de Diſpenſ. clerico libcionis pro feodo ſuo xx li. Et in Expenſ. Auditorum Compotorum, et in vadiis Garçonum et equorum, pro temporibus Scaccarii, c xxxiii li. vi ſ. viii d. Inf. Compotorum, vadiis garçonum et equor. Clerici Rotulorum et Regiſtri. Et in expenſis Dni Jacobi de Lyndeſay unius Auditorum Compot. infra predictam ſummam non Comput. xxvi li. xiii ſ. iiii d. Et in Cu-

* *Turris.*

rialitate

rialitate ſervientium v li. Et clerico Rotulorum et Regiſtri pro Roba ſua xl. ſ. Et hoſtiario pro Roba ſua xl. ſ. Et Clericis ſcribentibus v li. Et in feodo ſimplici ſerviencium in domo Regis, xvi li. xvi ſ. iiii d. Et Ade Page v li. Et pro Scaccario et Compotorio ejuſdem xxi ſ. viii d. Et pro reparacione domus in qua tentum fuit Scaccarium, xvi ſ. vi d. Et Criſtino de Gardroba pro ſuo ſervicio, liii ſ. iiii d. Et fiſſori et Pellipario, paramentoribus Regis Apud Edynburgh, iii li. xviii ſ. Et fratribus Minoribus de Dunde de gratia ad preſens xl ſ. Et Mro Simoni de Ketnys, pro penſione ſibi Aſſignat. de uno termino hujus Compt. v li. Et Domino David Bell Clerico Gardrob. pro aliquibus receptis in Gardrob. et expenditis, ut patet per unam literam ſuam, de receptis Oſtens. ſuper Compotum, lvii ſ. Et Thome Acarſane, Miniſtrallo Regis, percipienti per Annum, pro tempore vite ſue, pro ſuo ſervicio, decem libr. ut patet per literas Regis directas Camer. de precepto, et ipſius Thome de recept. oſtens. ſuper Compotum de uno termino hujus Comp. v li. Et Carpentariis et Cementariis Caſtri de Strevyllyne, pro feodis ſuis de uno termino hujus Comp. xi li. xiii ſ. iiii d. Et pro pargameno x ſ. Et Waltero de Tulach, Conſiderato labore ſuo ad preſens, de gratia Auditorum iii li. vi ſ. viii d. Et in Solucione facta pro lampadis emptis, et recept. per Dominum David Bell, ad expenſ. Domini Comitis de Carryk, nuper fact. apud Melros, xxxi ſ. Et in quibuſdam minutis expenſis examinat. Super Compot. xxvi ſ. Et Johi Lyoune Camer. Scocie conſtituto pro tempore vite Sue, Capienti per Annum ducentas libras Sterlingorum, ut patet per litteras ſub Magno Sigillo Regis, oñs ſuper Compotum pro dicto officio, licet in ipſo non miniſtravit pro Anno, tamen de Voluntate et Conceſſione Regis, per unam literam ſignatam anulo ſuo, oñs ſuper Compt. de tempore hujus Com. c li.

Summa hujus Vc. lx li. iii ſ. vi d. Summa tot expenſ. M. Vc. iiii xx viii li. xix ſ. xi d. ob. Et ſic debet Vc. xxxvi li. xii ſ. viii d. ob.

N° III. *Annabella queen of Scotland to Richard II. 28th May 1394.* Veſp. F. VII, f. 38, n. 2.

A TRES haut et tres puiſſant prince, Richard par la grace de Dieu Roy d'Engleterre, notre treſcher couſin, A. par ycelle meſme grace Royne d'Eſcoce, ſalut, et entier dilection. Treſcher Couſin, des bonnes nouvelles de votre ſainté, et proſperitee de corps, ſicomme nous avons entendu par vos aimables lettres, et la relacion de votre eſcuier Jehan Dorwell, nous ſommes treſlees, et en avons grant comfort. Si prions a Dieu qu'il la face touſdiz continuer, ſelon ce que myelx voiuriez. Et pour ce que nous tenons, qu'il vous fera plaiſir tout meſmes oyr de nous, vueillez ſavoir qu'au faiſance de ceſtes, nous eſtions en bonne ſainttie, la Dieu mercy. Treſcher Couſin, touchant la mariage entre aucuns noz enfans, et aucunes prochaines de votre ſanc, pour la traitie du quelle, comme vos lettres font mencion, vous avez ordiné pour envoyer dens Kelcou certaines perſonnes de votre conſail, pour traiter ſur celle matier, a les octaves de la Trinité, vueillez ſavoir, que pour la brevetee de temps, depuis que mon tres ſouverain Seigneur le Roy a receu vos lettres, et conſideree le retourner du dit votre eſcuier devers vous, aveque ſes lettres de reſpons, il nous eſt avis, que de votre part le dit jour ne ſe pourra tenir bonnement; car a venir de dit eſcuier en noz partiez, mon tres ſouverain ſeigneur le Roy adonque eſtoit en les lontaignes parties d'Eſcoce, ſi que votre eſcuier ne ſe povoit atteigner a ſa preſence devant le xix jour de May. Si que mon dit ſoverain le Roy vous a deviſee un autre jour aſſez covenable, pour la dicte traitie; ſicomme ſes lettres a vous envoiees pourportent; pour la quel jour vueillez faire addreſſer aucuns de votre conſail pour y etre, pour faire a laide de Dieu bonne concluſion ſur la dicte matiere; car certes la bonne concluſion de celle traitie eſt, et ſera, mout greable a mon ſeigneur et ſouverain, et a nous. Treſcher couſin notre Seigneur vous vueille touſdiz garder, et vous donit bonne vie et longue. Eſc. a Edenburgh, le xxviii jour de May.

N° IV.

N° IV. *The ſame to the ſame, 1ſt Auguſt* 1394. Veſp. F. VII, f. 39, n. 1.

A TRES haut et puiſſant prince, R. par la grace de Dieu Roy d'Engleterre, notre tres cher couſin, A. par meſmes ycelle grace Royne d'Eſcoce, ſalutz, et dilection. De votres aimables lettres, a nous preſentees par notre bien amé Douglas le heraud d'armes, nous vous remercions entierement, et de cuer. Par les quelles nous avons entendu votre bonne eſtate, et ſauntee, a grant plaiſir et confort de nous. Et tres cher couſin, quand au tratie touchant le mariage a fair par entre aucuns procheins de votre ſanc, et aucuns des enfans de Roi mon ſeignour et de nous, vuelliez ſavoir, quil eſt greable au Roi mon dit ſeignour, et a nous; ſicomme il vous a ſignifié par ces lettres. Et par eſpecial que pour tant que la dicte tratie ne ſe poira tenire le tierce jour de Juilee darrein paſſee, pour certaines et reſonables cauſes contenus es vous lettres, envoiez au Roi mon ſeignour ſuſdit, vous eſtes aſſentuez que une auſtre jour de meſmes la tratie ſe preigne, le premier jour d'Octobre prochein venand; le quele eſt greable au Roi mon ſeignour avant dict, et a nous; et vous amercions de tout notre volentee, et de cuer: et prions cherement que vous vuelliez continuer la dicte tratie, et faire tenire le dict jour; quar il eſt la volentee de Roi mon ſeignour ſus dicte, et de nous, quant en nous eſt, que la dicte jour ſe teigne ſans defaut. Et tres cher couſin, nous vous requerons, et prions cherment, qu'il ne diſplaiſe a votre hauteſſe, que nous n'avons plus toſt eſcript a vous; quar nous eſtremez giſant malade d'enfant maſquil, a non James; et ſommes bien et gracioufment delivre, la grace de Dieu et de notre dame. Et auſi pour ceo que le Roi mon dict ſeignour eſtoit, a la venu de vous lettres, eſloignees es Iſles de ſon roialme, nous ne receivon pas ces lettres envoiez a nous ſur ceſte matiere, tang le darrein jour de Juillie darrein paſſee. Tres haut et puiſſant prince, le ſeint eſprit vous vueil toutz jours garder. Doné ſoubs notre ſeal, a labbay de Dunfermelyn, le premier jour d'Auouſt.

N° V.

N° V. *David Prince of Scotland, Earl of Carric, (and afterwards Duke of Rothſay,) to John of Gaunt Duke of Lancaſter, about* 1398. Veſp. F. VII, f. 68, n. 2.

HAULT et puiſſant prince, mon tres chier et tres amé couſin. Quant a la matier de quoi vous, et l'eveſque de Saint Andreu, avez parlez, jay entendu, et veu ce que vous avez avyſez en icelle matier, et le raportera au Roi mon ſeignour: et ſelons ce bon luy ſemblera, procedera a la avanſement du buſoigne, a laide de Dieu, en la maniere comme vous avez touchie, ou en aultre; au temps contenu en votre eſcript, ou pluys toſt, ſy bonnement faire ſe pourra. Hault et puiſſant prince, ſil y a choſe au votre plaiſance, que faire puiſſe affiablement, le me vueilliez certifier. Et luy Dieu tout puiſſant vous ait en ſa treſſantiſſime garde. Eſcr. a Melroſs, le xvii jour de Marz.

David, aiſne filz du Roy d'Eſcoce, Conte de Carryk.

## N° VI. *George Dunbar Earl of March to Henry IV, 18th February*, 1400. Vesp. F. VII, f. 22.

EXCELLENT, mychty, and noble prince, like yhour realté to wit, that I am gretly wrangit be the Duc of Rothesay; the quhilk spousit my douchter, and now agayn his oblisyng to me, made be hys lettre and his seal, and agaynes the law of halikirc, spouses ane other wife, as it ys said. Of the quhilk wrang and defowle, to me and my douchter in swilk maner done, I as ane of yhour poer kyn, gif it like yhow, requer yhow of help and suppowall, fore swilk honest service as I may do, after my power, to yhour noble lordship, and to yhour lande. Fore tretee of the quhilk mater, will yho dedeyn to charge the lorde the Fournivalle, or the erle of Westmerland, at yhour liking, to the marche, with swilk gudely haste as yhow like; qwar that I may have spelyng with quhilk of thaim that yho will send, and schew hym clerly mine entent; the quhilk I darr nocht discover to nane ather bot tyll ane of thaim, because of kyn, and the grete lyttee that I traist in thaim; and, as I suppose, yhe traist in thaim on the tother part. Alsa, noble prince, will yhe dedeyn to graunt, and to send me, yhour sauf conduyt, endurand quhill the fest of the nativité of Seint John the Baptist, fore a hundreth knichts, and squiers, and servants, gudes, hors, and harnais, als wele within wallit town, as withowt, or in qwat other resonable maner that yhow like, fore travaillyng and dwellyng within yhour land, gif I hafe myster. And, excellent prince, syn that I clayme to be of kyn tyll yhow, and it peraventour nocht knawen on yhour parte, I schew it to your lordship be this my lettre, that gif Dame Alice the Bewmont was yhour graunde dame, Dame Marjory Comyne, hyrr full sister, was my graunde dame on the tother syde; sa, that I am bot of the feirde degré of kyn tyll yhow; the quhilk in alde tyme was callit neir. And syn I am in swilk degre tyll yhow, I requer yhow as be way of tendirness thareof, and fore my service in maner as I hafe before writyn, that yhe will vouchesauf tyll help me, and suppowell me, tyll gete amendes of the wrangs and the defowle that ys done me; sendand tyll me, gif yhow like, yhour answer of this with all gudely haste. And, noble prince, mervaile yhe nocht that I write my lettres in English, for that ys mare clere, to myne understandyng than latyne, or fraunch. Excellent, mychty, and noble prince, the haly Trinité hafe yhow evirmar in kepyng. Writyn at my castell of Dunbarr, the xviii day of Feverer.

Le Count de la Marche d'Escoce.

*Directed*, Au tres excellent, et tres puissant, et tres noble prince, le Roy d'Engleterre.

N° VII. *Chriſtiana Counteſs of March to Henry IV, probably in* 1404. Veſp. F. VII, f. 96, n. 2.

MON tres excellent, et tres redouté Souvereigne Seigneur, Jeo me recommande au vous ſy entierment, come creature terren poet penſer, ou diviſer au Roy du monde coronné; vous eſmerciant humblement as genoilles, de les hauts graces et benefices, que vous m'avez faits devant ces heures; vous ſuppliant piement de votre gracieus continuance, et nomement de le gracieus refreſchement que vous meneoiaſtes darreynement, Dieux vous eurent greez la ou jeo ne puiſſe. Non pur ceo, non tres gracieus ſeigneur, vous pleis ſavoir que monſeigneur mon baron, et moy, avoins eſte en taunt dureſce et diſtreſce, puyſque nous fuymes exclus de notre pays, que encore jeo ſuy remys en graunt debt; de quelle ſans votre gracieus eide, et ſucour, ne me puiſſe deliverer. Et ore la peſtilence eſt taunt fort et dure, la ou nous ſumes, que jeo ſuy molt paorous, que jeo morra en le graunt debt que jeo ſuy encorrue: et pour nulle traitie que nous poons fair, ne poons avoir ſuffrance de nos enemys, pour nous treer a notre fortres de Colbrandeſpath, pour illoex attendre tantque la mortalité ſoit ceſſe. Et pour celle cauſe jeo emprie humblement a votre haut Roiall Majeſte, que vous me pleiſez avoir en remembrance, quant vous verrez loiſir, et me eider que permy votre gracieus re...enement jeo puiſſe eſtre engettez de le debt qui me face triſtes. Outre ceo, tres redoubté, et mon tres gracieus ſeigneur, nous portons graunt enemyte pour la mort de Sir Henr. Percy; iſſuit que ſovent fois eſt *graſne* a mon baron, et ſes gents, qils vueillient eſtre morts, ſils ne ſe retrehent hors du pays; iſſuit que les gents le dit Sir Henr., ne facent rien fors eſcontent confortables novelx de vous, pour alors faire la malice qui eſt formé en leurs coers. Et mon tres gracieus et tres ſouvereigne ſeigneur, touchant la pris de nos gents par ceux attendants au Count de Douglas, deignets ent donner credence al porteur diceſtes; et ſur ceo que vous pleiſez ordener tiell remedy, ſicomme le dit portour vous dirra par bouche. Et prie ſovereignement al tres benoit Dieux de ciel, qil vous ottroie longe vie, ene tout encreſment de honour et joy enſemble, ene victorie de vos enemys, et apres ceſt mortell vie vous rent la regne de gloire. Amen.

Votre humble oratrice la Counteſſe de la Marche d'Eſcoce

*Directed*, A mon tres excellent, et tres redoubté
Seigneur, le Roy d'Engleterre.

N° VIII.

N° VIII. *James of Douglas, Warden of the Marches, probably to Henry IV in* 1405. Veſp. F. VII, f. 17.

HE, excellent, and rycht mychty prynce, Likit to your Ilenes to wyte, me haff reſavit your honorabile lettres to me, ſend be a Reverend Fa lir the Abbot of Calkow, contenand that it is well knawin that trewis war tane and ſchorne * a late, betwix the rewmys of Ingland and Scotland; and forthi yhu mervalis gretly that my men, be my wille and aſſent, has byrnde the toun of Berwike, and in other certayne places wythin the rewme of Inglande; in brekyng fully the ſaide trewis, in my defaute, and nothing in yhours; and als agayn my ath, made in ſtreynthning of the ſame trewis: of the qwhilke yhe deſire rather that amends war made, than ony mar harme war done, tharfor requirande me to do yhou to wyte qwhethir I will gere refourme the ſayde attemptats, or qwhat my full will be to do o that mater. Anente the qwhilkys, Hee and Excellent Prynce, qwhar yhe ſay yhu mervalys gretly that my men, be my will and aſſent, has brennede the town of Berwik, the qwhilk is wythin Scotlande, and other places in Inglande, in brekyng fully of the ſayde trewis, I underſtand that giff yhour hee excellent war clerly enfourmyte of the brennyng, ſlachtyr, and takyng of priſoners and Scottis ſchippis, that is done be yhour men to Scottyſmen, within the ſaide trewis, in divers places of Scotlande, befor the brynnyng of Berwike; the qwhilk ſkathis our lege lorde the Kyng, and his lieges, has paciently tholyte in the kepyng of the ſaide trewis, and chargit me til aſk, and ger be aſkyte be my deputs redreſs tharof; the qwhilk my deputs has aſkyte at dayis of marche, and nane has gotyne; methink o reſoune yhe ſulde erar put blame and punition to the doarys of the ſaide treſpas, done agayn the trewis in ſwilke maner, and callys thaim rather brekars of the trew, than me that has tholyte ſa mikylle injur ſo lang, and nane amends gottyn. Bot it is like that the gret attemptats, that yhour men dois agayn the trewis, is well concelyte fra yhour audience, for I ſuppos and yhe wiſt it, yhe wald of yhour he worſchipe ger it be refourmyte and redreſſit, as the cauſe requiryt. For lang befor the brynning of Berwike, yhour men com within our lorde the Kyngs awin propir lande of Arane, and Ile Malaſch, and til his caſtell of Brathwike, and brynt his chapelle, and other diverſe places of that land; and tuke and rawnſounde the capitaine of the ſayde caſtelle, and ſlow his ſone, and heryde al that thai mycht ourtake. And alſua thai hade takyne, befor that tym, certayne

* Sworn.

Scotts ſchippis chargit with marchandis, and the marchands tharof, in the contrer of the ſaid trewis: of the quhilk reparacioun and redreſs has bene aſkyte befor the brennyng of Berwike, and nane gottyne. And qwhar yhe ſay that Berwike, that ſtands in Scotlande, the qwhilk toun yhe call yhouris in yhour ſayde lettres, and certayne lands of yhouris wythin Inglande, was brende be my men, my will and my aſſent, brekand the trewis in my defaute, and nocht in yhouris, and in the contrar of my athe: thar to I anſwer in this maner, that qwhat tyme it like to our lege lorde the Kyng, and to yhour hee excellent, to ordane redreſs to be made be his commiſſaris, and yhouris, of all attemptats done of aythir ſyde, I ſall with the help of Gode make it well kennyt, that I haff trewly kepit my athe, and the trewis, as afferys to me of reſoun. And quhaever enfourmyt yhour excellence, that I hade brokyn my athe, it hade bene ſayrar for him to haffe ſende me that querell into wyrt, undir his ſelle, and till haff tane anſwere greable, as afferit to him under my ſcelle agayne, than ſua untrewly in my abſence till enfourme yhour excellence: for I trayſt he has ſaide mar in my abſence, than he dar awow in my preſens; for nocht diſplece yhour honour, learys ſulde be lytille alowit wyth ony ſic worſhipful kyng as yhe ar. And qwhar yhe ſay in yhour ſayde lettres that yhe deſir rather amends of attemptats done agayn the trewis, than ony mar harme war done, tharfor to that I anſwer in this maner, that qwhen yhour ſaide lettres came to me, our lorde the Kyng was paſſit in the northe partis of Scotlande, and I with al gudly haſt ſende yhour lettres til him; of the qwhilk at the makyng of thir letteris I hade nane anſwer. Never the latt qwhen I hade underſtandyne yhour lettres, I gert cry in diverſe placis the trewis to be kepit, trayſtand that it ſuld be ſua done on the tother part, aftyr the qwhilk crye yhour men of Inglande has rydyne in Scotlande wyth gret company, like in fere of were; and has heryde Lawadyr dalle, Tewy dalle, and a part of Etryke foreſt, the qwhilke at the making of thir letteris was tholyt, and nocht don tharfor. And foringiffe the trewis ſall ſtande, it lyes to yhour heenes to ſe for chaſtying of treſpaſſouris, and for amends of attemptats done, and that be tym: and qwhat the wocheſaff of your heenes to do, twychand the forſayde materis, yhe wolde certify me be your lettres wyth al gudly haſt. Hee almychty prynce, the haly gaſt yow haff in his yhemſal evirmar. Wyrtyn at Eddynburgh, under my ſelle, the xxvi day of July.

Jamis of Douglas wardane of the marche.

(*Directed.* To ane excellent, and a mychty prynce, Kyng of Inglande.)

N° IX. *Commiſſion by Robert duke of Albany, Regent of Scotland, to his embaſſadors ſent into England, 26th May* 1414. Veſp. F. VII, f. 114, n. 2.

ROBERTUS Regis Scocie genitus, dux Albaniæ, comes de Fife et de Menteth, et regni predicti Gubernator, univerſis ad quorum noticiam preſentes literæ pervenerint, ſalutem in Domino. Noverit univerſitas veſtra, quod nos de fidelitate, circumſpectione, et induſtria, dilectorum et fidelium noſtrorum, Roberti de Maxwelle de Caldarwodde militis, conſanguinei noſtri, et Magiſtri Roberti de Lanyne, prepoſiti Sancti Andree, in decretis licenciati, plenius confidentes, ipſos fecimus, conſtituimus, et ordinavimus, facimus que conſtituimus, et per preſentes ordinamus, pariter ex certa ſcientia et deliberato conſilio, noſtros ambaxiatores, commiſſarios, et nuncios ſpeciales. Dantes et concedentes eiſdem noſtram plenariam poteſtatem, et mandatum ſpeciale, ad tractand. concordand. et concludend. cum ſereniſſimo principe Henrico Rege Anglie, ſeu commiſſariis ſuis quibuſcunque ſufficientem poteſtatem habentibus ab eodem, ſuper deliberacione cariſſimi filii noſtri Murdaci Steuart militis. Et ad omnia et ſingula faciend. gerend. concordand. concludend. et ſolvend. que circa filii noſtri deliberacionem neceſſaria fiunt ſeu quomodolibet optima, etiam ſi mandatum exigant magis ſpeciale, ratum, certum, ſtabile, atque firmum promittentes nos per perpetuum habituros, quicquid dicti commiſſarii noſtri in premiſſis, vel aliquo premiſſorum duxerint faciend. Dat. ſub teſtimonio ſigilli noſtri, apud manerium noſtrum de Falklande menſis Maii die xxvi, Anno Dni. Milleſimo cccc^mo quarto decimo, et gubernationis noſtræ anno ix.

N° X.

N° X. *Indenture between Murdac duke of Albany Regent of Scotland, and Alexander earl of Mar,* 16*th November* 1420. A copy in Sir James Balfour's collections, MS. Harl. 4694, 22.

Indentur betwix Murdack Dvck of Albaney, and Alexander Earll of Mar.

THIS indenture made at Perth, the xvi day of the mounth of November, in the yeir of our lord a thouſand, four hundereth, and twentie, betwix hie excellent and mightie prince Murtheu Dvck of Albaney, earll of Fife and Menteith and Governour of Scotland, one the ane pairt; and a vorſchipful lord, Sir Alexander Steuart Earl of Mar and Garivach, on the tothir pairt; Conteins and beirs vitneſs, that it is fullie accordit betwix them, in forme and maner as after ſall follou: and that is to ſay, that the forſaid Earll of Mar is become man of ſpalen, duelling, and reveneu, till the forſaid dvck of Albany Governour of Scotland, for all the termes of his lyffe, befor and agains all uthirs deidlyk perſons; his alleigance aught till our lord the king allenerlie outane. And he ſalle giffe his letter therupone till our forſaid lord the Governour, in deu forme under his ſaille, for certane gude deeds done till him be our ſaid lord the Governour. Alſua it is accordit, that our ſaid lord the Governour ſall gife to his darreſt cuſin forſaid the Earll of Mar, the tenth * halfe of the profitts of the Juſtry of Aberdenie, Bamffe, and Inerneſſe, and als oft as they be haldin, outtane the corns and victuals of men and horſe, in the halding of the ſaid ayeirs. And the ſaid Earll of Mar ſall doe all hes biſneſs and diligence till bring juſtris, till the honour and profit of the ſaid lord the Governour, for beath ther profit. Alſua our lord the Governour ſall gif hes letters patents till the ſaid Earll of Mar of power to be ſteadhaldand till him, after the tennor of the letters the quhilks the ſaid Earll hede of umquhilum our lord the Governour, quhom God aſſoyle. Alſua the forſaid lord the Governour as aſſentit, and ſall gife hes confirmatione till his cuſin ſir Thomas Steuart, upon the infeftment that the ſaid Earll of Mar makes till the ſaid Sir Thomas hes ſone, apone the lands of Mar and Garevach, if it ſa beies that the ſaid Earll of Mar ſhares a confirmatione of our lord the King till our lord the Governour, givin till him and hes heirs and aſſignais, apone the lands of Mar and Garivach forſaids; for the quhilk confir-

* Tane?

matione

matione to be given to the ſaid Sir Thomas, through our lord the Governour that nou is, and for uther good deids done of befortyme till the ſaid Sir Thomas, through our ſaid lord the Governour, the ſaid Sir Thomas is become mane till the ſaid lord the Governour, of ſpalen, duelling, and reveneu, for all the tymes of hes lyffe, befor and agains all uther deadlyk perſons, hes alleagence aught to the King allanerlie outane; and therupon ſall gife his Letters of Retenewe in deu forme till our lord the Governour. Alſua it is accordit that our lord the Governour ſall giff his letters, baunde, and ſealle, till his forſaid cuſin the Earll of Mar, of mantinance helpe and ſuppleie, in al forme and in effect, as quhilum our lord the governour hes fader did befor tyme, bot fraude or gyle. Alſua it is accordit betwix the forſaid lord the Governour, and hes darreſt cuſin the Earll of Mar, that ſen Valter Steuart the ſone, and ayire appirand, of our forſaid lord the Governour is obliſched till the forſaid lord his fader, that he ſall not tak in mariage the daughter of Sir Robert Erſkeine, vithout the conſent of hes forſaid lord and fader, our forſaid lord the Governour is obliſched, and oblidges him be this indenture till hes ſaid cuſin the Earl of Mar, that he ſall nought gife hes conſent till the fulfillan of the ſaid mariage, vithout vittining, and conſent, of the ſaid Earl of Mar. And alſua it is accordit that our ſaid lord the Governour hes given to hes forſaid cuſin the Earl of Mar, the profitts comand of the lands of Badenach, Urquart, and Strathowne, ay till the tyme that they may be ſett to profitt; and fra thensfurth our forſaid lord till have the tane halfe of the profitt comand of the ſaids lands, and the forſaid erl his cuſin the tother halffe of the profitt of the lands, endurand the tyme of the ſaid earl's live. And alſua the ſaid Earl is obliſchit, and obleſs him be this indenture, that he ſall doe al his goodlie buſſineſs and diligence to bring and ſett the ſaids lands of Badenacht, Urquart, and Strathowen, vith the pertinents, till the maiſt profitt that he may, and vithin als ſhort tyme as he may, bot fraud or gyle. In the vitniſing of the quhilks things, leillie and trewlie for to be keipet, bot fraud and gyle, the ſealls of the forſaid lord the Governour, and of the forſaid Earll of Mar hes cuſin, to thir indentures interchangablie are toput, the day, yeir, and place, forſaids.

## N°. XI. *Annual Revenues of the Hoſtages for James I*, 1424. Rymer X, 327.

JACOBUS Rex . . . . . tradidit, dedit, et liberavit, pro ſecuritate ſolutionis ſummæ quadraginta Milium librarum, bonæ et legalis monetæ Angliæ, ad locum, dies, et terminos, in dicto appunctuamento contenta; ac plenæ et integræ executionis et complementi omnium et ſingulorum, in prædicto appunctuamento contentorum, obſides, et perſonas obſidum, æſtimatas per partem dicti Jacobi Regis in valore annuo reddituum ad ſummas infraſcriptas; videlicet,

David, primogenitum, et hæredem, comitis Atholiæ, reddituatum ad xii C. Marc.

Thomam Comitem Moraviæ, ad M. Marc.

Alexandrum Comitem Crawfurdiæ, ad M. Marc.

Duncanum Dominum de Argill, ad xv C. Marc.

Willielmum, primogenitum et hæredem Domini de Dalketh, ad xv C. Marc.

Gilbertum, primogenitum et hæredem Willielmi Conſtabularii Scotiæ, ad viii C. Marc.

Robertum Mareſcallum Scotiæ, ad viii C. Marc.

Robertum dominum de Erſkyn, ad M. Marc.

Walterum dominum de Driltone, ad viii C. Marc.

Thomam Boyd de Kilmernoch, ad D. Marc.

Dominum Patricium de Dunbarre, Dominum de Camnok, ad D. Marc.

Alexandrum Dominum de Gordonne, ad iv C. Marc.

Obſides alias concordatos, ac vice et loco aliorum abſentium etiam alias concordatorum obſidum, quorum nomina continentur in quadam cedula, dicto appunctuamento annexa.

Dominum Willielmum de Abbirnethy, ad D. Marc.

Jacobum de Dunbarre, Dominum de Frendrath, ad D. Marc.

Andream Gray de Foullis, ad vi C. Marc.

Dominum Robertum de Levinſton, ad iv C. Marc.

Johannem Lyndeſay, ad D. Marc.

Dominum Robertum de Lille, ad iii C. Marc.

Jacobum Dominum de Caldor, ad iv C. Marc.

Jacobum Dominum de Cadyo, ad D. Marc.

Dominum Willielmum de Rothvane, ad iv C. Marc.

Willielmum Olyfaunt, Dominum de Abirdalgy . . . . .

Georgium, primogenitum et hæredem Hugonis Cambell, ad iii C. Marc.

Robertum,

Robertum primogenitum et hæredem Domini Roberti de Mautalent, ad iv C. Marc.

David Meignes, ad ii C. Marc.

David de Ogilby, ad ii C. Marc.

Patricium primogenitum et hæredem Domini Johannis Lyon, ad iii C. Marc.

## N° XII. *Acts for Taxes, 1424 and 1431.*

### Scotiſh Acts of Parliament, edit. 1566, fol. iii. 1 parl. James I, 26 May 1424.

Of finance to be maid for the Kingis coſtage in Ingland. Ca. X.

ITEM, It was conſentit, throw the Eſtatis and Parliament, that for the ſynance and payment to be maid in Ingland, for our Souerane Lordis coſtage, and delyvering of his hoſtageis being in Ingland, thair ſalbe raſit ane YEILD *, or maa, gif it miſteris, throw the haill kynrik, alſweill throw the regalyteis, as throw uther landis. For it wer grevous, and greit charge on the commonis, to rais the hail finance at anis, it is accordit that a YEILD be raſit, that is to ſay xii d. of ilk pund; and that the landis, rentis, maillis, and gudis of lordis, within thair proper domanis, baith corne and catell. Bot for the extent of the proper domanis thay ſall not pay, drawin oxin, riddin hors, and utenſillis of hows, alanerlie, outtaking the burgeſſis in lyke maner of thair gudis and rentis.

Of the maner of taxatioun to be maid in the realme. Ca. XI.

ITEM, Thir ar taxis ordanit, throw the counſall of Parliament, upone the Cattel and Corne, to be raiſit to the Kingis finance to be maid in Ingland. In the firſt YEILD now concludit, the boll of quheit is taxit to ii s. Alſwa the boll of rye, beir, and peis, to xvi d. the boll of aittis vi d. And this of all corne that is now in hows, or in ſtak, the lordis purviance to thair howſhald alanerlie owttane; and the grene corne that is naw upone the erd growand ſall remain untaxit, quhil it cume of the erd. Alſwa the beiſtis ar taxit one this maner. The Kow and hir followar, of twa yeir auld, to vi s. viii d. Item ane Wodder, or ane Yowe, ilk ane to xii d. Item Gymmer, Dunmund, and Gaittis, ilk ane to xii d. Item ane drawin Oxe, of thre yeir auld or elder, to vi s. viii d. Alſwa the wilde Meir, with hir followar of thre yeir, to x s. A Colt of thre yeir auld, or elder, to ane mark.

This is the maner that landis and gudis ſall be taxit. That ilk ſchiref within his ſchirefdome ſall gar call befor him all the barronis, and fre haldarris of the King, and with counſall of tham he ſall cheis

* Subſidy.

leill

leill men and diſcreit, and ſic as he will anſwer for; the quhilks ſall abyd knawlege befor the King gif thay have done thair deuoir, at the end of the taxation; and that als mony perſonis as may ſufficiently extent the cuntre, and na ma, for eſchewing of coſte; and that all ſchirefis be ſworne to the king or his deputis that thay ſall lelely and trewly gar this extent be fulfillit, of all the landis, and gudis, in forme as is above writen; and that the extentouris ſall be ſworne befoir the Barronis of the ſchirefdome, that thay ſall do thair full power to the ſaid extent: and thay ſall have with thaim the paroche Preiſt, and that he be chargit be his Biſchop till informe thaim lelely of all the gudis of the parochin; and that thair be maid a buke of the ſaid extent, contenand the namis of ilk towne in ſpeciall, and the names of ilk perſone dwelland in thay townis, and thair gudis followand thair names. And that thair buikis be preſentit to the Kingis Auditouris at Perth, the day limit thairto, that is to ſay the xii day of Julij nixt to cum. Alſwa quhair thair is ane greit ſchirefdome, thair be choſin be ſicht of the Baronis leill diſcrete men to keip thame.

Alſwa that all the landis of the kinrike be taxit, after as thay ar of avale now, and that but fraude or gyle. Alſwa that all gudis be taxit and payit, after the valu of the money that now is. Alſwa that na exceptioun be maid in this taxatioun to na man, nouther of det nor of male: bot all the gudis ay quhair thay be fundin, to pay the ſaid YEILD, after the taxatioun, baith of Clerkis, Baronis, and Burgeſſes. Alſwa it is ſene ſpeidful that all taxatouris, the tyme of thair extent, warne all maner of man, that of all thair gudis that ar taxit, baith of beiſtis, corne, and uther gudis, within xv dayis nixt after following the taxt, the payment be reddie in ſiluer and gold, as is befoir writtin. And gif at the end of the ſaid xv dayis the payment be not reddy, the officiaris of ilk ſchirefdome ſall tak of ilk man that warnis payment, a Kow for v s. a Yow or a Wedder for xii d. a Gait, a Gimmer, or a Dunmund, for viii d. a wylde Meir and hir follower for x s. a Colt of thre yeir auld, or mair of eild, xiiis. iv d. a boll of quheit xii d. a boll of rye or peis viii d. a boll of aittis iii d. And gif the Schiref takis thir gudis he ſall gar the lord of the land, gif he may be gottin, pay the taxt to the King, and deliver the gudis till him. And gif he will not, the Schirefe ſall gar ſell the gudis at the nixt markat day, or ſend thame to the King, on the Kingis coiſt, quhair the King till his deputis ordanis.

ITEM, It is ordanit and ſene ſpeidful, that the Prelatis gar taxt thair rentis, and kirkis in this maner. That is to ſay ilk Biſhope in ilk Denrie of his Diocie, gar his Officiall and his Dene ſummund all the Tennentis and frehalders befoir him, and cheis Taxatouris, and charge thame in maner and forme as is befoir writtin; to the ſaidis day and place. And gif the Schiref ſendis ony man on the Baronis behalf,

that he be reſavit with thame and ſe thair taxatioun. And that the Official gar warne the Schiref, quhen he wil cheis his taxatouris, and mak taxatioun of kirkis landis, gudis, and rentis, beſoir ſaid. And quhair a kirk man payis the haill valour of his beneficis, that all the frutes of his kirk of the yeir followand be fre.

Alſwa anent the taxatioun of Burgeſſes gudis, and rentis, it is ſene ſpeidfull that ilk Alderman and Baillies of Burrowis call beſoir thame the Burgeſſis, and gar cheis leill and trew men in maner as is beſoir ſaid, takand with thame the Curat of the towne, chargeit be the greit aith throw the Biſchop. And that the Schiref ſend als on the Barronis behalf a lele man, to beir lele witnes to thair taxt; to the quhilk he ſalbe ſworne lelylie with thame. And that thay warne the Schiref to ſend that man to the day that thay cheis thair taxatouris. Alſwa the Prelatis, the Schireffis, the Aldermen of townis, ſall taxt and ordane the coiſtis of all Officiaris, that ſall laubour about this YEILD raſing, be thair lautie that thay aucht to the King, and thair coiſtis to be tane of the haill taxt. Alſwa the yeild raſit to the King mot be allowit to thame in the yeild foirſaid.

Alſwa that thair be ordanit in ilk Scherifdome, and choſin be the Schireffis and the Barronis, gude lele and diſcreit men, to taxt the foirſaid rentis and gudis. And that with the Clerkis thair be ordanit lawit men be the Schireffis, and with lawit men clerkis be the clergy, to ſee and beir witnes that all thingis be lelylie done, and rychtſwa within Regalyis. And that ilk cuntrie releif uther. Alſwa that the Schireff depute certane men to be with the Baillies, and taxatouris of the Burrowis, to ſee that all maner of gudis, alſweill corne, cattel, as uthers gudis, be lelylie taxt, and preſentit to the auditouris ordanit thairto, till appeir at Perth the xii day of Julÿ nixt to cum. Of the quhilkis auditouris thir ar the namis; the Biſchoppis of Dunkeldin, Dumblane, the Abbottis of Balmerinach, Sanct Columbis Inche, Maiſter John Scheves, the Erle of Athole, Schir Patrik of Dunbar, Williame Borthwick, Patrick Ogilwy, James of Dowglas of Balwany, and William of Erſkin of Kinnoull.

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Ibid. folio verſo xxij, 10 Parl. J. I, 15 Oct. 1431.

For the reſiſting of Rebellouris in the North. Ca. cxlvi.

For the reſiſting of the King's rebellouris in the North land, and the coſtage to be maid thairupone, it is fullely conſentit be the Thre Eſtatis, ordanit and concludit, that thair be liftit and raſit ane Contributioun; that is to ſay of all landis of the realme, quhair the YEILD of twa pennies was raſit, thair be now x d. raſit; and quhair the twa d. was

was not raſit thair be now xii d. raſit of ilk pund. And this Contributioun to be tane throw all the realme, of all mailis of landis, and rentis of haly kirk, as of temporall Lordis; na gudis of lordis na Burgeſſis outtane, ſaifand the extent of the mailis of the Lordis proper domanis haldin in thair awin hands, mailis of Burgeſſis houſis within Burrowis inhabite be thame ſelf, and with thair proper gudis, of the quhilkis thay tak na maill; riddin hors, and drawin oxin except allanerly, of the quhilkis na yeild ſalbe raſit. Attoure this Contributioun ſalbe taxit and raſit with all celeritie poſſibill, brocht and deliuerit to the auditouris of it, that is to ſay the Abbotts of Balmerinouch, St. Columbis Inche, Schir Johne Scrimgeour, Johne of Fyſe of Abirdene; quhilkis ſall begin thair comptis on the morne nixt after the Purificatioun of our Lady nixt to cum, at Perth, gif the peſtilence be not thair, gif it beis thair at Sanctandros. The quhilkis auditouris ſall put this Contributioun in a kiſt of iiii keyis, of the quhilkis keyis ilk ane of thame ſall have ane. And that kiſt to remane in the Caſtell of Sanctandros, under the keiping of the Biſchop and the Prioure. And in caiſe that peax beis maid in the menetyme, this Contributioun ſall remane under the ſamin keiping in depois, to the commoun proffeit and uſe. The quhilk done the King commandit till continow the Parliament, till monounday the xii* day of the foirſaid moneth and yeir.

* Sic: xxii? which was monday.

## N° XIII. *The contemporary account of the murder of James I.*

FROM a MS. formerly belonging to Mr. Thoreſby of Leeds, (ſee Nicolſon's Scotiſh Hiſtorical Library;) now, Aug. 1790, to Mr. Jackſon of Clement's Lane, Lombard Street: written about 1440*.

Here folowyng begynnythe a full lamentable cronycle, of the dethe and falſe murdure of James Stewarde, laſt Kynge of Scotys, nought long agone priſoner yn Englande, the tymes of the Kynges Henrye the Fifte and Henry the Sixte.

### The dethe of the Kynge of Scotis.

ROBERT STEWARD, the kyng of Scotis, hadde ii ſonnys; of the whiche the eldere was a ſemely mane of perſone, and knyght, clepid the duke of Roſeye; and the yonger, clepid James Steward, that was bote of yeres yonge, and meane of ſtature. This Duke of Roſeye perſeyved in his reaſon the greet age of the Kyng his fadir, the ympotencye of his lymmes and membirs, the febileneſe of his perſone that ſore vexed hyme yn his age, begane unlawefully to tak upon hym the Royall guvernance. Thurghe the whiche preſumcion, orguyle and pruyde, he wexe full of vicioufnes yn his lyvyng, as yn diſpuſellyng and defowlyng of yong madyns; and yn brekyng the ordire of weddelok, by his fowle ambicious luſt of that voluptenus luſt of advoutre. Wherfore the Lordes and the Nobles of the Rewme of Scotland, conſideryng that vicious lyvyng of that ſaid Duke * *

* * * * * * * * *

* * * *a leaf torn out* * * *

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Thes traturs furters, and contractes, ended by the counſell and conſente of bothe the parties of the Kynges, the Kyng of Scottes hadde leve enlagiſſid, and had ſaufecondit of his maiſter the kyng of England, (for ſo the Kyng of Scottes clepid hym,) to returne ſafe and ſownde ayene ynto his region of Scotteland.

* As appears from the writing, and from a tranſlation in the ſame MS. after this tract, of a book of morals by 'John of Wiegnay, oute of Frenſhe into Engliſhe, by youre humble ſervytoure John Shirley, att the full noble, honorable, and renomed cité of London, ſo as febleſſe wold ſuffice, in his grete and laſt age, the yere of oure lord a thouſand, foure hundreth fourty.'

This John Shirley is the tranſlator of this account of James's murder from a latin relation, probably publiſhed in Scotland by authority. See the end.

Of

Of whos cumyng the Erle Douglas and the Erle of Bowgham *, fully advertiſed to hemſelfe in thaire owne miſgovernance, he beyng Kyng and abſent, ne durſte nat abide his home-cumyng, for fere of the pitous dethe of the Duke of Roſey his brother, whome thay haved ſo miſchevouſly murdured unlawfully yn priſone, as afore this cronycle made clere memorie, they ordeynd hem, for dowte of thare lyvys, with a gret nowmber of thare frendis and ſubjectes, with all the poſſibilité, to paſſe the ſee ynto France. Frome whenſe thay come never; bott both thay, with many other worſhipfule capitaignes, knyghts, and ſwyers, and lordes of the Armynakes and Scottes, all enmyes to the Kyng of England, were ſlayne and takyne at the bataile of Vernoile yn Perch, withyne the revme of France, by that noble and ſo excellent prynce John of Loncaſter, Duke of Bedeford, thene the Regent of France, to whome that day God granted the diſconfitoure, and victorye of the feld.

Remanyng at thare home the Duke of Albayne, the Erle of Leynys, the Erle of Manthet, Watir Stuard, and other many lordes of Scotteland, thynkyng that thay were ſo neghe of the Kynges blode of Scottes, and demyng alſo yn theire conſeites that [thai] hade nat offended theire Kyng yn no wiſe; bot ſo abode ſtill yn the lande the Kyng's cumyng home out of England ynto Scotteland. Whome all, with many other of thare afinite, the ſaide Kynge of Scottis lete arreſt, and hem ſeverally yn diverſe caſtell full hard priſoned, till he had fondon meanes and wais for to do hem lawfully to deth, as falſe traitours, becauſe of the falſe murdure of his brother the duke of Roſay. Whos deth the people of the land ſore grutched, and mowrnid; ſeying that thay ſuppoiſed and ymagynd that the Kyng did rather that vigorious execucion upon the Lordes of his kyne for the covetiſe of thare poſſeſſions, and goodes, thane for any other rightfull cauſe, althoſe he fonde colourabill wais to ſerve his entent yn the contrarye.

All thos thinges thus done, the ſaide kynge of Scottes, noght ſtanchid of his unſacionable and gredi avarice, ordeynd that tallage, and other impoſicions upon his people, gretter and more chargeant then ever were acuſtumyd afore that tyme. So that the comoners of his land ſecretly clepid hym nat rightwes, bot a tirannous prynce, what for the outrageus impoſicions importables of uſe, on taxes and tallages, upon his poure ſubjectes and peple. But after the wiſdome of ſome philiſophers the comone langage of the peiple oft ſpekith without reaſon. Nevertheleſs many of the Lordes of that land, dredyng ſore of the harme that myght betide, drowghe hem to counſell how thay myght withſtand and reſiſt the Kynges tyranye, ſithe he hade ſo litill pite of the dethe done to hyme of his Lordes, many of hem beyng ſo negh of his roiall blode,

* John Stuart, ſon of Robert duke of Albany, and conſtable of France.

and

and alſo of the gredi covatiſe that he oppreſſid and enpoveriſid his comonalte. Withall the Kyng beyng preſent yn his ſaid cowneſell, roſe up with a maneli ſwollon hart a knyght, clepid Sir Robert Grame, a grete gentilman and an Erles ſune, a mane of grete wit and eloquence, wundir ſuttilye wittyd, and expert in the lawe: ſaying thes wordes opynly to the Lordes, "Sirs, yf ye woll firmely ſtand by that at I ſhall ſay "to the Kyng, yn youre audience, I truſt to God that we ſhall fynde "a good remedye and helpe." To the which ſayng the Lordes coſentid: and ſaide that they truſtyng holly yn his prudent and diſcret manehode, wold conforme and conſent, yn hie and low, to mayntene all that he wold tak on hand to ſay, for the general weele of hem, and of all that land, yn that mater by hym than mevid.

Upon this the Kyng lete to ſomond a parliament of the iii aſtatis of his rewme, where this ſame Sir Robert Grame, fully ſette and aſurid and purpoſid to performe that at he had behight and promyſid unto the Lordes, as is afore reherſid. He roſe upe with a grete corage, with a violent chere and countenance, ſette handes upon the Kyng ſayng thes wordes, "I arreſt you yn the name of all the thre aſtates of your reume, "here now aſſemblid yn this preſent parliament, for right as youre liege "peple be bundun and ſworne to obeye your Majeſte noble riall, yn "the ſame wiſe bene ye ſworne and enſurid to kepe youre peple, to "kepe and guverne youre lawe, ſo that ye do hem no wronge, bot yn "all right mantene and defend hem." And there and then forthwith the ſaid Sir Robert Grame, aſuryng hym fully yn the promyſe made unto hym bi the ſaid Lordes, ſaid, "Is hit nat thus as I ſay?" Unto the which ſayng none of all the aſtates afore reherſid wold, ne durſt ſpeke oone word, bot kapid ſilence. The Kyng therwith percevyng all this preſumptuous rebellion, and wirchyng of the ſaid Sir Robert Grame, gretly movyd and ſtirryd ayenſt him, as that reaſon wold, lete do hym arreſt, and commandid to put hym yn ſure and hard priſone.

This Sir Robert Grame, ſeyng hymſelf thus deſavyd there of the ſaid Lordes, ſpake and ſaid yn this wiſe, "He that ſerveth a comon mane, he ſerveth by ſhort proceſe of tyme." After this the Kynge exiled this Sir Robert Grame; and all his haritages and goodes deemed as forfaturs to the Kyng.

Upon his exile this Sir Robert Grame toke his [way] ynto the cuntreis of the Wild Scottis, wherthat he conſpired and ymagynd how that he myght deſtruye his Kyng. And furthwith he renounſed his legeance, and by wordes, and by writyng, he defied hem, ſeying that he had deſtruyd hym, his wif, and his childerne, his haritages, and all his other godes, by his cruell tyranny. Wherfor he ſaid he wold flee hym [with] his owne handes as his mortall enmye, yf wer he myght ſe tyme, and fynd wais and meanes. Therto the Kyng, hugely vexid in his ſpretes with the traturous and malicious rebellion of the ſaid Sir Robert

Robert Grame, did mak an opyn proclamacion by all the rewme of Scotteland that whoſo myght ſlee or tak hyme, and bryng hym to the Kynges preſence, ſhuld have iii thouſand demyes of gold, every pece worth half an Engliſh Noble.

Nocht long after this the Kyng lete ſo ordeyne his parliament yn due forme, at Edenbourghe, ſomunde yn the yere of oure lord A Thouſand, Foure Hundreth, Six and Thirtye, yn the feſt of All Hallowen. To the which parliament the ſaid Sir Robert Grame ſtired a full cruell vengance ayene the Kyng, ſent privie meſſages and letturs to certayne men and ſervantes of the Duke of Albayne, whome the Kyng a litill afore hade done rigoruſly to deth, lich as hit is entitild here afore, opynly, that if thay conſent and faver hym, he wold uttirly take upon hym for to ſlee the Kyng, leſt thurgh his tirannye and covetiſe he wold deſtruy this reume of Scotteland: and the corone of the land ſhall be yovon to Sir Robert Stuard, which is the Kyng's coſyn, and next of the right of the corone, bot yf the Kyng had a ſune; the ſame Robert's fadir thenne liggyng in hoſtage to the Kyng of England, for the ſaid James Kyng of Scottes, yn the towre of London, till that his fynaunce were fully content and paid. And the ſaid Sir Robert's granteſire, the Erle of Athetelles, of that treiſon and counſell as hit was ſaid; and by hymſelfe ſecretly deſirid and covetid to have the corone. For which cauſes the ſame Sir Robert Grame was half the better conſentid to bryng thaire purpos to effecte. For this Sir Robert Stuard did ever abide yn the Kynges preſence, full famulier aboute hyme at all houres, and moſt privey above all other; and was a full gentill ſquyer, freſh, luſty, and right amyable. Whome the Kyng entierly loved as his owne ſone; and for the tendure love that he had to hyme he made [hym] Conſtable of all his hoſt, and .... at the ſege of Edenbourgh *.

After this the Kyng ſodanly aviſid made a ſolempne feſt of the Criſtynmes at Perth, which is clepid Sant Johns towne, which is from Edenbourgh on that other ſide of the Scotteſh See, the which is vulgarly clepid the Water of Lethe. Yn the myddis of the way thare aroſe a woman of Yreland, that clepid herſelfe as a ſuthſayer. The which anone as ſhe ſaw the Kyng, ſhe cried with lowde voiſe, ſayng thus, "My Lord Kyng, and ye paſe this water, ye ſhall never turne ayane on lyve." The Kyng heryng this was aſtonyed of her wordis; for bot a litill to fore he had red yn a propheſie, that yn the ſelfe ſame yere the Kyng of Scottes ſhuld be ſlayne. And therwithall the Kyng as he rode clepid to him oone of his knyghtis, and gave hym yn comaundment to torne ayane to ſpeke with that woman, and aſk of here what ſheo wold, and what thyng ſheo ment with her lowd cryyng? And ſheo began, and told hym as ye haſe hard of the Kynge of Scottes, yf

* Sic. Roxburgh.

he paſſed that water. As now the Kynge aſkid her how ſheo knew that? And ſheo ſaid that Huthart told her ſo. "Sire," quod ho, "men may "calant y tak non hede of yond womans wordes, for ſheo nys bot a "drunkine fule, and wot not what ſheo ſaith." And ſo with his folk paſſid the water, clepid the Scottiſſhe See, toward Saynt Johnnes towne, bott iiii myles from the cuntreth of the Wild Scottes; where, yn a cloſe of Blakfriars withowt the ſaid towne, the Kyng held a gret feſt.

Where upon a day, as the Kyng plaid at the cheſſes with oone of his knyghtis, whome yn playng wiſe he clepid Kyng of Love, for he was a luſti man, full amorous, and much medeled hym with loves' arte. And as hit came the Kyng to mynd of the prophecie ſpokyne tofore, the Kyng ſaid to this knyght, "Sir Kyng of Love," quod he, "hit is nat long agone ſith I redd a prophecie, ſpokyne of tofore, that "I ſaw how that this yere ſhuld a kyng be ſlayne yn this land. And "ye wote wele Sir Alexander, there be no mo kynges yn this reume "bot ye and I; and therfor I cowneſell you that ye be well ware, for I "let you wit that I ſhall ordeyne for my ſure kepyng ſufficiently, I truſt "to God, ſo I am undir youre kynghood and yn the ſervice of Love." And thus the Kyng yn his ſolas plaid with the knyght.

Withyn ſhort tyme after this, the Kyng beyng in his chambur, talkyng and playng with the Lordes, knyghtis, and ſquyers, that were abowte hyme, ſpak of many dyvers maters. Amonges was ther a ſquyer that was right acceptable to the Kyng, that ſpeke, and ſaid, "For ſothe My Lord," quod he, "me dremed varelye to nyght that "Sir Robert Grame ſhuld hafe ſlayne you." And that heryng the Erle of Orkeney thoo warnyd the ſquyer, that he ſhuld hald his peace, and tell nane ſuch tales yn the Kynges preſence. And therwith the Kyng herying this ſquyers dreme, remembred hymſelfe how that ſame nyght how* had a ſweyvyn ſlepyng; and ſemyd to hym varaly that a cruell ſerpent, and an horribill tode, aſſailid hym furiouſly yn his kynges-chambur; and how he was ſore afright and aferd of hym, and that he had nothyng wherwith he myght ſocoure and defend hymſelfe, bot oonly a paire of tanges that ſtudyn yn the chymneth.

And many other tokyns, and tailes, liche to this, the which now may well be demyd by varay demonſtracions, and alſo pronoſticacions to the Kyng, of his deth and murdur, had he or the tyme of his deth fell. Alſo oone of kynges traitours, clepid Criſtofere Chawmebur, that was a ſquyer of the Dukes hous of Albayne, iii tymes he drugh hym to the Kynges preſence, for he wold haf playnely opynd, and told hym of the purpos of all the traitours, that wer aboute to murdure hyme, bycauſe that the Kyng withowt any cauſe hatid hym rightfully†.

* Heo?

† This, and ſeveral other ſentences, are moſt obſcurely expreſſed.

And

And thus, as hit is ſaid by the old wiſe ſadirs, many years or we were borne, what thyng that deſtyned to a perſon, be hit late be hit ſone, at the laſt ever hit cumyth.

Thus, after this, cane faſt apporoch the nyght, yn the which the ſaid James Stward kyng of Scottes ſhuld falſely hym unwittyng, ſuffure his horribill deth by murdure; this which is pite that any gentill or gode man to thynk upon. So both afore ſoper, and long aftire ynto quarter of the nyght, in the which the Erle of Athetelles, and Robert Stward, were aboute the Kyng; where thay wer occupied att the playng of the cheſſe, att the tables, yn redyng of Romans, yn ſyngyng, and pypyng, yn harpyng; and in other honeſt ſolaces, of grete pleaſance and diſport. Therwith came the ſaid woman of Yreland, that clepid herſelf a dyvenoureſe, and entred the Kynges courte, till that ſhe came ſtreght to the Kynges chambur dore, where ſheo ſtood, and abode bycauſe that hit was ſhitte. And faſt ſheo knokyd till at the laſt the uſſher opynd the dure; marvelyng of that woman's beyng there that tyme of the nyght, and aſkyng here what ſheo wold? "Let me yn "Sire," quod ſheo, "for I haf ſumwhat to ſay, and to tell unto the "Kyng; for I am the ſame woman that noght long agone deſirid to "haf ſpokyn with hym, at the Lith, whan he ſhuld paſſe the Scottiſh "See." The uſſher went yn, and told hym of this woman. "Yea," quod the Kyng, "let hir cume to morrow:" bycauſe that he was occupied with ſuche diſportes at that tyme, hym lit not to entend her as thenne. The uſſher came ayane to the chamber dore, to the ſaid woman; and there he told hir that the Kyng was beſye in playng; and bid her cum ſoo ayane upon the morow. "Well," ſaid the woman, "hit ſhall repent yow all, that ye wil nat let me ſpeke nowe with the "Kyng." Therat the uſſher lughe, and held her bot a fule, chargyng her to go her way. And therwithall ſheo went thens.

Withyn an owre the Kyng aſkid the voidee, and drank, the travers yn the chambure edraw, and every man depairtid and went to riſt. Than Robert Stward, that was right famylier with the Kyng, and had all his commandementes yn the chamber, was the laſt that departid; and he knewe well the falſe purveid treiſon, and was conſentid therto, and therfore left the Kynges chamburs doore opyne; and had bruſſed and blundird the lokes of hem, yn ſuch wiſe that no man myght ſhute hem. And abowt mydnyght he laid certayne plaunches, and hurdelles, over the diches of the diche that environd the gardyne of the chambure, upon which the ſaid traitours entred. That is to ſay the forſaid Sir Robert Grame, with other of his covyne ynto the nowmbre of Thre Hundreth perſons; the Kyng that ſame tyme ther ſtondyng in his nyght gowne, all unclothid ſave his ſhirt, his cape, his combe, his coverchif, his furrid pynſons * upon the forme, and the ſoote ſheet; ſo ſtondyng

* Slippers.

afor the chymney playng with the Qwene, and other ladis and gentilwomen with here; caſt offe his nyght gowne, for to have gone to bedd.

But he harkynd, and hard grete noiſe without, and grete clateryng of harnych, and men armyd, with grete ſight of torches. Than he remembred hym, and ymagynd anone that hit ſhuld be [the] falſe tratours knyght, his deedy enemy, Sir Robert Grame. And ſodenly the Qwene, with all the other ladis and gentilwomen, rane to the chawmber dure, and fonde hit opyne; and thay wold have ſhitt hit, bot the lokes wer ſo blundrid, that thay nethir cowth ne myght ſhut hit. The Kyng prayd hem to kepe the ſame dore as wele as thay myght, and he wold do all his myght to kepe hym to withſtond the falſe malice of his traitours and enmys; he ſuppoiſyng to have breſtyn the ſarrements of the chaumbur wyndos, bot thay wer ſo ſqware, and ſtrongli ſowdid yn the ſtonys with moltyne lede, that thay myght not be broſtyne for hym, withowtyn more and ſtrenger helpe. For which cauſe he was ugly aſtonyed, and in hys mynd kouth thynk on none other ſocoure, bot ſtart to the chymney, and toke the tonges of yren that men rightid the fire with, yn tyme of neede; and undir his fete he myghtily breſt up a plaunch of the chaumbur flore, and therwithall cuverid hym ayane, and entred adowne lowe beneth amongis th' ordure of the privay, that was all of hard ſtone, and none wyndow ne iſhue therupon, ſave a litill ſquare hole, even at the ſide of the bothum of the pryvay, that at the makyng therof old tyme was levid opyne to clenſe and ferme the ſaid privay. By the which the Kyng myght well eſcapid; bot he maid to let ſtop hit well iii dayes afore hard with ſtone, bicauſe that whane he playd there at the pawme, the ballis that he plaid withe oft ranne yn at that fowle hole, for ther was ordenyd withowt a faire playng place for the Kyng.

And ſo ther for the Kyng nether reſchows, ne remedie, bot ther he muſt abide, ellas the while! The traitours withowt laid at the chaumbur dors, and at the privay dore alſo, with wawis, with levours, and with axes, that at the laſt thay brak up all, and entred, (bycauſe the durs were not faſt ſhutte,) with ſwerdes, axis, glavis, billes, and other terribill and ferefull wepons. Amonges the grete preſe of the which traitours, ther was a faire lady ſore hurt yn the bak; and other gentilwemen hurt and ſore wondid. With the which the ladis, and all the wemen, mayd a ſorowfull ſkrye, and rane away for the hidos fere of tho boiſtous and merciles men of armes. The traitours furiouſly paſſed forth ynto the chaumbures, and founde the Qwene ſo diſmaid and abaſſid of that horribill and ferfull guvernance, that ſhe cowth nether ſpeke, ne withdrawe here. And as ſho ſtode ther ſo aſtonyd, as a cryature that had loſt here kyndly reaſon, oone of the traitours wowndid here

full

full vilanyſly, and wold have ſlayne here, ne had not bene oone of Sir Robert Grame's ſones, that thus ſpek to hym and ſaid, "What woll "ye dow, for ſhame of youre ſelfe! to the Qwene? Sheo is bot a "womane. Let us go and ſech the Kyng." And then not wityng wele what ſheo did, or ſhuld do, for that ferfull and terribill affray, fledd yn hir kirtill, her mantell hangyng aboute hir; the other ladyes yn a corner of the chaumbur, cryyng and wepyng, all diſtraite made a pitous and lamentable noſe with full hevy lokyng and chere.

And ther the traitours ſought the Kyng yn all the chaumbur abowte, yn the withdrawyng chaumburs, yn the litters, undir the preſſes, the fourmes, the chares, and all other places, bot long they beſily ſought the Kyng. Bot they couth nat fynd hym, for they nether knew ne remembred the privay. The Kyng heryng of long tyme no noyſe, ne ſtiryng of the traitours, wende and demyd that thay had all begone, cryed to the wemen that they ſhuld cume with ſhettes, and drawe hym up owt of that uncleyne place of the privay. The wemen at his callyng came faſt to the pryvay dore, that was nat ſhutt, and ſo tha opynd hit with labure. And as they were abowteward to helpe upe the Kyng, oone of the ladis, clepid Elizabeth Douglas, fell ynto the pryvay to the Kyng. Therwith oone of the ſaid traitours, called Robert * Chaumbur, ſuppoiſid varaly ſith thay couth nat fynd, yn none of all the ſayd chaumburs, the Kyng, that he of neſſeſſite had hyd hym yn the pryvay. And therefore he ſaid to his felawes, "Sirs" quod he, "wherto ſtond "we thus idill, and leſe owre tyme, as for the cauſe that we be cumne "forehid? Cumith on furth with me, and I ſhall redily tell you wher "the Kyng is." For the ſame Thomas * Chaumbur had bene afore right familier with the Kyng yn all places; and therfore knewe he wele all the pryvay corners of thoo chaumburs. And ſo he went forth ſtreght to the ſame pryvay where the Kyng was, and perſavyd wele an ſawe how a plaunch of the flure was brokyn up, and lift hit up, and with a torch lokyd ynne, and ſaw the Kyng ther, and a woman with hyme. Sayng to his felows, "Sirs the ſpows is foundon, wherfore "we bene cumne, and all this nyght haf carold here." Therwithall oone of the ſaid tirantes and traitours, clepid Sir John Hall, deſcendid downe to the Kyng, with a grete knyf yn his hand; and the Kyng, dowtyng hym ſore of his lif, kaught hym myghtily by the ſhuldurs, and with full grete violence caſt hym under his fete. For the Kyng was, of his parſone and ſtature, a mane right manly ſtrong. And ſeyyng another of that Hallis brethyrne that the Kyng had the betture of hym, went downe ynto the pryvay alſo, for to deſtroy the Kyng. And anone as he was ther deſcendid, the Kyng kaught hym manly by the nek, and caſt hym above that other; and ſo he defowlid hem both

* Sic.

undir

undir hyme, that all a long moneth after men myght ſee how ſtrongly the Kyng had holdyn hem by the throtes. And gretely the Kyng ſtrogild with hem, for to have berevyd thame thare knyvys; by the which labur his handis wer all forkute. Bot and the Kyng had bene yn any wiſe armyd, he myght well have eſcapid thare malice, by the lengthe of his fightyng with thoo ii falſe traitours. For yf the Kyng myght any while lengar have ſavyd hymſelfe, his ſervantes, and much other peple of the towne, by ſume fortune ſhuld haf had ſume knawelege therof, and ſoo haf cumne to his ſocoure helpe. Bot, ellas the while, hit wol not be! Fortune was to hym adverſe, as yn preſerwyng of his life any longer.

Therwithall that odyus and falſe traitour Sir Robert Grame, ſeyng the Kyng labord ſo ſore with thoo two falſe traitours, which he had caſt undir his fete, and that he wer faynt and wery, and that he was weponeleſe, the more pite was, deſcenden downe alſo ynto the pryvey to the Kyng, with an horribill and mortall wepone yn his hand. And then the Kyng cried hym mercy. "Thow cruell tirant," quod Grame to hym, "thou hadeſt nevyr mercy of lordes borne of thy blode, ne "of non other gentilman, that came yn thy dawnger. Therfor no "mercy ſhalt thow have here." Thane ſaid the Kyng, "I beſech "the that, for the ſalvacion of my ſoule, ye woll let me have a con-"feſſore." Quod the ſaid Grame, "Thow ſhalt never have other "confeſſore bot this ſame ſwerd." And therwithall he ſmote hym thorogh the body, and therwithall the goode kyng fell downe, and lamentablé with a pitous voyce he cried hym oft mercy, and behight to gyf hym half hys kyngdam, and much other good, to ſave his lif. And then the ſaid Grame, ſeyng his Kyng and Soveran Lord ynfortuned with ſo much deſeyſe, angweſh, and ſorowe, wold haſe ſo levyd, and done hym no more harme. The other traitors above, perceyvyng that, ſayd onto the ſayd Sir Robert, "We behote the faithfully, bot "yf thow ſle hym, or thow depart, thow ſhalt dye for hym on owre "handys ſone dowtleſe." And then the ſaid Sir Robert, with the other two that deſcendid firſt downe, fell upon that noble prynce, and yn full horribill and cruell wiſe they murdrid hym. Ellas for ſorow, that ſo ynmeſurably cruelte and vengance ſhuld be done to that worthy prynce, fer hit was reportid by true perſons that ſawe hym dede, that he had ſixtene dedely woundes yn his breſte, withowtyn many and other y dyverſe places of his body.

And hit is reherſid and remembred, yn the hiſtoriall and trewe cronicles of Scotteland, that yn the ſelf ſame place, by old tyme paſſed, there haf bene iii kynges of Scottes ſlayne *.

* A fable. Not one king is commemorated as having been ſlain at Perth.

And

And whene this abhominable and horrible homycidie, and falſe treaſon of this cruell murdur, was thus done, the ſaid traitours ſought the Qwene; and yn thare furous crueltye wold hafe ſlayne her, yn the ſame wiſe. Bot God, of his grace and goodnes, preſervyd and kepe here owt of thare handis. And upon this the noiſe aroſe, and ſprang owt, both ynto the courte, and ynto the towne, of that horribill doyng and faite, of that at the ſaid traitours hadde done. And anone forthwith all the Kynges ſervantes, that were logid yn his ſaid court, and all the other peple of the ſame towne, with oone will and oone aſſent, as the Kynges trewe men, and his liege ſubjectes, comone with force and armes, with many a torch, and other lightis, and approched the Kynges court. And whene the traitours hard the noiſe and romore of thoſe comones, thay with all haſt poſſibill fled. Bot yit yn thare withdrawyng, or thaye were fully paſſed the diches of the Kynges place, a worthy knyght that was called Sir Davy Dunbarre, he allone, aſcried and purſued hem, and with his owne hand ſloghe oone of hem, and another he ſore woundid. And as he faught with them yn thaire fleyng, thay kut of thre of his fyngurs of his oone hand, and ſore woundid hym upon his hed. And thay ſlogh an other yong mane of the Kyngys chaumbur, that was good grome.

And yn this wyſe Sir Robert Grame, with all the other traitours, eſcapid, and droghe hem to the cuntreth of the Wild Scottes. And thay ſaid amonges hemſelfe, "Ellas why ſloghe we not the Qwene "alſo; for and we had ſo done we ſhuld have bene out of muche "diſeaſe, and trobill, which we bene now lich to have. With hore "we have cauſe gretely to drede here, leſt ſheo woll purſue, and la-"boure for to do vengance upon hus." And ſoth hit was the Qwene did ſuche diligence and purſuet, ayanſt the ſaid felonouce traitours, that withyne a moneth next aftir that ſo abhomynable murdure, thay were all takyn, and byhedid at Edynburghe. The Qwene did hirſelfe grete worſhip for here trew acquitable. Hit hath not oft beene ſene, ſo ſodeynly vengaunce takyn upon ſo horribill and a cruell ded.

For furſt was takyn Sir Robert Stuard, and Criſtofere Chaumbur, and lad ynto ſtrong priſone withyne the Caſtell of Edynburgh; and after by the ſentance of the law thay were drawne, and hangid, and quarterd. Furſt ther was ordenyd a cart, wherupon was ſet a croſe of grete heght, that was maid of tree. To the which croſſe the ſaid Robert Stuward was faſt boundon, ſtondyng upright all nakid, boundon to the bak of the ſame, nothyng upon hem bot thare pryvay clothes. The hongman there ſtondyng above with hem, havyng in his handis a paire ſharpe tangis, with the which he twitched and all to tare thare ſkynne and fleſh, that the blode yn full grete quantite ranne downe from hem, that pite was to ſee. For thay ſuffird paciently all the cruell paynes of turmentrye, that thay put hem to; and ſaid unto the

ſaid

ſaid hongman, "Dowe whatever ye will, for we bene gilti, and haf "well deſervyd hit this payneful deth, and inwyſe, and muche more." And thus wer thay ladd, pynched and payned, by all the ſtretes, and thorowe oute Edynburgh. At the laſt thay lad on hegh, afore the Counecell-hows, clepid the Gildhall, there abydyng an oure and more, that all the peple myght behold and wondir on hem. After that thay were drawin with horſſes, all the towne, till thay cam till a place wher was ſet ane heghe ynſtrument of tymbire, upon which balaſtriars and bowyers uſyn to hong thare harnysſhid bowes to drie ayanſt the ſunne. Where the ſayde hongman toke a rope, and knyt hit faſt aboute thare birſtes, undre thaire harmeholes, and drew hem to the hegheſt place of that ynſtrument; and thay there ſo hongyng confeſſid opunly to all the warld all the conſpiration of the Kynges dethe, from poynt to poynt. And from theiſe thay were caried ynto the middis of the marketh place there, where was ordyned an hie ſkaffald, upon which with an old ruſty axe the ſaid hongman ſmot of thare hedes, and there quartard hem. And yn this wyſe was exſecucion done upon hem bothe, and thare heddes ſet upe of the gates of Sent Johannes Towne.

Soone after this was takyn the Erle of Athetelles, by the Erle of Angwis; and laid ynto the caſtell of Edenburghe to priſone. This ſame Erle of Athetelles was endited, arreyned, and dampned. Bot bycauſe of that this was nighe the feſte of Paſcue, the croſſe was takyn adowne; and he lad to the pelour yn the towne, and ther was he faſt boundon, and a corone of papir put upon his hed, the which was all abowte depaynetid with jubettes, and for the more diſpite and ſhame to hym was writyne with thes wordes, TRAITOUR, TRAITOUR, TRAITOUR. The Buſhope of Urbinate, legate of owre Holy Fadir the Pope, then beyng in Scotteland, upon his ambaſſite, hard thare confeſſions. And then evyn forthwith the ſaid Erle of Athetelles was heded; bot he went alwas to have grace and pardon, unto the tyme that the hangman had hym upon the ſkaffald, to be there and then hedid. For he confeſſid, and ſaid that he was not yn no wyſe conſentyng ne aſſentyng to the Kynges deth; but that he knew therof long, and kepte hit counefell, bycauſe that Sir Robert Stuward, that was oone of the gretteſt traitours, was his ſonnes ſonne, and therfore he told hit not to the Kyng. Bot yit nevyre the leſſe when this Sir Robert wiſt therof, and told hit to the Erle of Athetelles of the Kynges deth, he blamyd hyme ſore, and defendid hym that in no wyſe ſhuld he be conſentyng to none ſuch murdure of his Soveran Lord: weynyng veraly that nether he, ne none of all the other, the which bene reherſid afore, wold never have done that murdure yn effecte. And ſo the ſaid Erle told, and confeſſid, at his lyvys end; and his hed, coroned with a corone of yryne, ſtondyng upon a ſpere ſhaft yn the myddis of Edenburghe.

After

After this Sir Robert Grame, with many other traitours of his coveene, beyng in captyvyte, were ladde to the towne of Strivellen, and there were thay tourmented and put to the deth. The ſaid Sir Robert Grame ſtondyng there, at the wher he was tofore enditid of treiſon afore the Juſtice and the lawe there, upon his araynment, ſaid playnely that thay had no lawe to do hym to deth, for he ſaid he had nat offendit, bot ſlayne the Kyng his dedely enmye; for by his letturs, ſealed with his ſeale of armes, long tyme afore he had defyed the Kyng, and renouncid his legeaunce, for cauſes reaſonables as he ſaid. And yf thay wold do hym lawe after the ſtatuytes of armes, thay ſhuld delyver hym, and let hym go qwite, bicauſe the Kyng wold have deſtruyd hym yf he had myght. And thus yn that he ſaid he did no wrong nor ſynne, bot ooly that he ſloughe Godes criature, his enemye. All thes reaſons nether couth ne myght ſuffice for his excuſe, the which he perceyvyd wele yn all wiſe of thare wirchynges. This ſame Sir Robert Grame, with manly hart and wele aviſid, as a mane wele ynſtructe yn lawe and letture, ſaid thes wordes ſtandyng at the bare afor the Juges, all the peple there aſſembled for that cauſe the ſelfe tyme. "O ye all ſo ſynfull, wreched, and mercileſe Scot-
"tisſhe folke, withoute prudens, and full replet of unaviſid folie, I
"know wele that I ſhall nowe dye, and ma note eſcape youre venom-
"ous judiciall handes; for by will, and not be right ne lawe, ye have
"dampned my bodye to the dethe, the which God ſuffrethe me at
"this tyme to reſave of you, for no deſairt of this accuſacion that ye
"condempne me ynne nowe, bot for other offences and treſpas, that
"I yn the vayne tymes of my youth have diſpleaſid hyme ynne.
"Yit dout y nat that ye ſhall ſe the daye and the tyme, that ye ſhall
"pray for my ſoule, for the grete good that I have done to yoù, and
"to all this reaume of Scottland, that I have thus ſlayne and dely-
"veryd you of ſo cruell a tirant, the gretteſt enemye the Scottes or
"Scottland myght have, conſideryng his unſtaunchable covetiſe, yn
"his youth, ayenſt all nature, his tirannye ynmeſurable, without pite
"or mercy to ſibbe or to freme, to hie or to lawe, to poure or to
"riche."

All thes thynges the ſaid Sir Robert Grame, with many other yn-convenyences, he reherſid there ayanſt the Kyng; the whiche reher-ſale wole be ynne Scotteland many a yere here after. For he was a mane of grete hart and manhode, and full diſcrete, and a grete legiter of lawe poſitive, and canone, and civlle bothe. Yit for all that, at the laſt he was dampned there by the Juges of the deth. This was the ſentance of the jugesment there ſhuld be brought a cart, yn the mydward of the whiche there ſhuld be ſette faſt a tree uperight, longer then a mane; and with that ſame knyf that he ſloughe the Kyng with-all, was his hand all upon heghe nalid faſt to that tree, and ſo was he

had thorough oute the towne. That edoone the hangmane was commandid, with that ſame knyſe, to kut of that hand frome the arme. After that he was nalid nakynd, as he was firſt borne of his modir, drawen thurghe the towne withowte coerture of any parte of his body, as nature brought hym forth from his modirs wombe, and yn the ſame wiſe ladd thorgh all the ſtretes of that towne; and the tourmentours on every ſide hym, withe hookid ynſtrumentes of yryne, fuyre hote all red glowyng, thay pynchid and twynched his theghis, his legges, his armes, his ſides, his bake, his ſhuldurs, his neke, his wombe, and over all his body, that was full ſeke and pitous to loke upon, wher thay ſuppoiſid moſt to anoye hyme and greve, that hit was to any mans kynd to ſoroſull and pitous ſight, and to abhomynable to ſe. With the ymportible payne of turment, he cried then pitouſly withe dedely voice, for the panys and paſions that he ſo ſuffird, ſayng to them that thay did that duriſe to hym ayenſt the lawe; "this that ye done "to me is oonly by rigoure of ynmeſurable tyrannye. All the warld "may clepe you Scottes tirantes, for manekynd may not withe the "lif ſuffur ne yndure the paynefull and tiranuous tourmentrye that ye "put me unto. I doute me full ſore that, and ye contynue thus youre "tourmentes upon my wretched perſon, that for the payne ye will "conſtrayne me to renye my Creature. And yf I ſo doo I appell you "afor God, the Hie and Chyf Juge of all manekynde after there "deſertes at the unyverſal dome, that ye bene the varay cauſe of the "loſſe of my ſaule."

Thurghe the whiche ſpeche ſome of the Lordes, ſo abidyng upon the execucion of this ſaid Sir Robert Grame, moevid of pite let tak him doune. And as he was all nakyd lappid yn a rough Scottiſhe mantell, and caſt hym ayane, with a grete violence, ynto ſore and full hard priſone.

In the meane tyme many of the other traitours were boweld all qwik, and afterward were quarterd, as wele thay that receyvid the ſaid Sir Robert, as thay that were with hym. Whane the exſecution of the ſaid traiſon was done, and many of tha that were with hym att the day of the Kyng confeſſid, whane thay were ſpokyne to go with the ſaid Sir Robert Grame, hit was not told unto hym of no purpos that was takyn for to deſtruye the Kyng, and put hym to dethe; bot hit was ſaid unto hem that thay ſhuld go with hym, to raviſhe a faire lady oute of the Kynges houſe, whame the ſaid Sir Robert Stuward ſhuld have weddid the next day folowyng.

And after this thay ladd aftſounes the ſaid Sir Robert Grame to the place where he ſhuld dye. And ſodeynely thay droughe away the mantall, to the which all his woundes were hardyned, and clave faſt with his blode dried therto; forwith the ſaid payne he fele downe yn a ſwonyng, and ſo lay along on the ground more than a quarter of an owre. And then he revivid, and qwykynd ayane, ſeyng

that

that ryvyng away ſo ſodeinly and rudely of that mantell was to hym gretter payne than any other that [he] had ſuffird afore. And after this, for the more greſe and ſorow to hyme, thay boweld his ſonne all quyke, and quarterd hym afor his eene, and drewe owt his hart of his body: the which harte lepe thriſe more than a fote of heghte, after hit was drawen owte of his body: and yn ſemblable wiſe the hangmane droughe owte all his bowelles, and quarterd hym, and many other moo after hyme.

Bot the laſt of all Thomas Halle was hedid; for as hit was knawen and veraly wiſt by proof he was the pryncipall and the fynell cauſe of the Kynges deth. The ſayd Chaumbur had the ſtrengyſt hart of all the other, for he never repentid hym of the Kynges deth. The hede of hym, and the right hand, ſtande faſte nalid at Edenburghe, undir the Erles hede of Athetelles.

And thus endyn thes ſorofull and pitous cronycles: and all mene ſaye that the unſacionable covetiſe was the ground and cauſe of the Kynges dethe. Therfore prynces ſhuld take hede, and drawe it to thare memorie of Maiſtre Johanes de Moigne counſell, thus ſaid yn Frenche langage, *Il neſt pas ſires de ſon pays, quy de ſon peple n'eſt amez*, the which is thusmuche to meene, yn oure Englesſhe tonge, 'A grete prynce may have no more vice, ne hyme to greve thanne a varite. He nys no lord yn his cuntre, that of his mene hath no luſe.' Leve ye me,

For wele may he be called a Lord,
Wham that his peple love of record.
Merk this wele I you beſeche.
Adieux. To God I you beteche.

And thus nowe here endethe this moſt pitevous cronicle, of th'orribill dethe of the Kyng of Scottes, tranſlated oute of Latyne into oure moders Englisſhe tong, bi youre ſymple ſubget John Shirley, in his laſte age, after his ſymple underſtondyng, whiche he recommendethe to your ſupportacione and correccion, as that youre gentilneſe vowchethe ſafe for his excuſe, &c.

## N° XIV. *Coronation Oath, and Oaths of fidelity and homage,* 1445 *. MS. Harl. 4700.

c

*Forma Juramenti Regis ſuis tribus ſtatibus,* &c.

I SALL be lele and trew to God and Haly Kirk, and to the Thre Eſtatis of my realm. And ilk eſtate kepe, defende, and governe, in thair awn fredome and privilege, at my gudly power, eftir the lawis and cuſtumis of the realm. The law, cuſtume, and ſtatutis of the realm, neyther to eik, nor to mynifs, without the conſent of the Thre Eſtatis. And nathing to wirk, na uſe, tuiching the commoun proffit of the realm, but conſent of the Thre Eſtatis. The law and ſtatuts, maid be my forbearis, keip and uſe in all punctis, at all my power, till all my leigis in all things, ſa that thai repung nocht agane the faith. Sa help me God, and this halydome, &c.

*Forma fidelitatis prelatorum.*

I ſall be lele and trew to you, my Liege Lord, Schir James King of Scottis. And ſall nocht heir your ſcaith, nor ſe it, but I ſall lat it, at all my power, and warn you therof. Your conſell heil that ye ſchaw me: The beſt conſale I can to gif to yow, quhen ye charge me *in verbo Dei.* And als help me God, and haly ewangelis &c.

c

*Juramentum Baronum, et ipſorum homagii juramentum.*

I B. becumis your man as my King, in land, lif, licht, and lym, and warldlis honour, fewtie, and lawtie, aganis all that leif and dee may; your conſale celand that ye ſchaw to me. The beſt conſale gevand, geif ye charge me. Your ſcaith nor diſhonour to heir, nor ſe, bot I ſall lat it, at all my gudlie power, and warn yow therof. Sa help me God &c.

*Forma fidelitatis Juramenti Regi.*

I ſall be lele and trew to yow, my Liege Lord, Schir James King of Scotland. I ſall nother heir your ſcaith, nor ſe it, bot I ſall lat it at my power, and warn you therof. Your conſell ſchewin to me I ſall conceille. The beſt conſall I can I ſall gif yow, quhen ye charge me therwith. Sa help me God &c.

* See page 160 of this volume. In the MS. of our old laws here quoted theſe curious forms occur juſt before the Schip Lawis.

Thir.

Thir foirſaid aithis wes maid in the parliament begunnyng at Perth, the xiiij day of Junij, the yer &c. xlv, and continewit to Edinburgh, as eftir followis. Thair wes gevin dome apoun the King's rebelloris. Schir James Stewart knycht wes lauchfully ſummond to compeir befor our ſoveran lord the King, and his parliament, for cryme committit till his Majeſtie, and for rebellioun: quhilk ſummonds lauchfully previt, and he divers tymis callit, and nocht comperit, The parliament has decretit and determynit that all and ſindry movable guds, lands, and poſſeſſiouns, pertening to him, ar the King's eſchet, leſs than he be cum within yeir and day, and underga the law, and that wes gevin for dome *, &c.

* Follow the oaths of baillies, and burgeſſes, of fidelity to the king, and to the intereſts of the town, &c. The cloſe of the baillie's is, " Sa help me God, and myn awn hand, and this halidome, and all halydomes, and all that God maid on vi days and vii nychts, under erd and abone."

N° XV. *Ordinances of War, iſſued by William earl of Douglas in* 1448. Titus F. XIII, f. v. 39.

The Statuts of Scotland to be obſerved in time of warr, &c. ſett downe at Linclodane, by all the lords, freholders, and beſt borderers of Scotland, Anno Domini 1448; by the comaundment of Earle William of Duglaſſe, which were uſed in the time of black Archibald of Duglas, and Archibald his ſonne.

Earle William of Duglaſſe cauſed all the lards and borderers to ſwere, that they ſhoud obſerve and keepe &c. the ſtatuts enſuinge.

Earle William of Duglaſſe, the lords, and eldeſt borderers, made certane offences treaſon &c. which were nocht treaſon before.

No manner of perſon ſhall entercomon with any Engliſhe man or woman, either in England or Scotland, nor with anie priſoner that ſhall enter into Scotland, without ſpeciall licence of the Warden, or his deputie.

When ane hoſt entereth into Scotland *, yf anie for coveteouſnes depart from the hoſt, the goodes that he getteth ſhall be to the governour, or devided amongſt the complaynees; and himſelf to be uſed as a traitor.

'Yf anie doe departe from his lord or maiſter, in his outgoying or home comyng, ſhall be deemed a traitour.

No perſon ſhall ſteale, or forrey, without direction of the chieftaine, nor ſpeake with anie Engliſhman without leave of the governour of the hoſt, under paine of treaſon.

When the hoſt alighteth, yf anie contrarie to comaundement remaine on horſeback, this offence is treaſon; and the goodes which ſuch offendours gett, or priſoners which they tak, the two parts ſhall be his maiſters, and the third the governour's of the hoſt.

The hinderors of ordering the hoſte, and diſobedience to the officers appointed for that purpoſe, (*ſic*) †

After that the Scotts intend an invaſion into England, or the Engliſhmen into Scotland, whoſoever lett his priſoner paſſe out of Scotland to goe home into England, ſhal be deemed a traitour.

In anie chace yf ane tak his fellowe's horſe, and either purſue wherbie he takes priſoners or other goodes, the owner of that horſe ſhall have the moytie: which horſe yf the taker bring him not back, and tye him to the ſtak where he found him, yt is treaſon, ether

* Sic. England. † Treaſon. MS. Harl. 4700.

fee

ſee yf aſſone as he comes home, he proclame not that horſe att the market croſſe, and deliver him to the ſheriff or ſteward of that place, it is treaſon.

Whoſoever after he be once in the field departe, and abideth not the uttermoſt, his goods are forfeited, and he ſhall be deemed a traitor.

Whoſoever receaveth a priſoner's horſe, or other goodes from anie, after it be known to appertene to him, ſhall reſtore them againe, and be reputed a traitour.

Yf anie traitor be apprehended, and fraudulentlie enlarged, this offence is treaſon; but yf he be brought to the Warden, the bringer of him ſhall be rewarded with v lib *.

* Not to ſwell the appendix unneceſſarily this old abſtract is given; the ordinances at large, dated Lincluden 18 Dec. 1448, may be found in the body of the Scotiſh Laws, MS. Harl. 4700.

## N° XVI. *Extracts from the Chamberlain's Roll, anno* 1449. Regiſter Office, Edinburgh.

Note. Part of this Roll alſo is loſt.

COMPOTUM Patricii Lawmondſoun, Coronatoris de Cowell, et Receptoris firmarum terrarum Domini Regis, infra Dominium de Cowell, Reddit. apud Linlithgw, die ultimo menſis Junii, Anno Dñi, &c. quadrageſimo nono, de omnibus Receptis ſuis et expenſis, per firmas et exitus dictarum terrarum Domini Regis dicti Dominii; a die viceſimo nono menſis Auguſti Anni Dni, &c. quadrageſimi Octavi, uſque in diem hujus Compoti.

Idem Compotans onerat ſe inprimis de lv ſ. v d. ob. pro Arierag: ultimi Compoti, ſui, ut patet in pede ejuſdem.

Summa Arierag: patet.

Item, Idem Compotans onerat ſe de xviii. li. de firmis terre de Dunnune de duobus terminis infra hoc Compotum. Et de xiii. li. vi ſ. viii d. de firmis tercie partis terre de Glenrowell, de dictis duobus terminis infra hoc Compotum.

Summa hujus Oneris xxxi li. vi ſ. viii d.

Item, Idem onerat ſe de xliiii Martis pro firmis duarum partium dicte terre de Glenrowell, de dictis duobus terminis hujus Compoti.

Summa hujus oneris patet.

Item, idem onerat ſe de xxxi li. iiii ſ. iii d. de firmis terrarum quondam Duncani Lawmondſoun, tam in proprietate quam in tenandia, in manibus regis exiſten. ratione warde, per mortem quondam dicti Duncani, de duobus annis hujus Compoti. Et de liii ſ. iiii d. de firmis terre de Collart, in manibus Regis exiſtentibus ratione warde, per mortem quondam Gilberti de Galbraith de termino pentecoſtes ultimo preterito.

Summa hujus oneris xxxiii li. xvii ſ. vii d. Summa tot: oneracionis preter arierag: lxv li. iiii ſ. iii d. xliiii martis.

Summa tot: oneracionis cum arierag: lxvii li. xix ſ. viii d. ob. xliiii Marts.

Et

Et non onerat ſe de aliquibus aliis wardis, releviis, maritagiis, finibus, aut Eſchaetis; nec de Curiarum Suarum exitibus, quia nichil plus accidit per tempus Compoti ut aſſerit Compotans in ſuo Juramento.

Expen: Ejuſdem. In primis alloc. Compotans per receptionem Roberti de Calentare pro Cuſtodia turris de Dunnune, de anno Compoti xviii li. Et per receptionem ejuſdem Roberti de Calentar de firmis tercie partis terre de Glendrewel, de duobus terminis hujus Compoti, in partem ſolucionis penſionis ſibi aſſignat. pro cuſtodia Caſtri de Dunbertane xiii li. vi ſ. viii d. de quibus omnibus dictus Robertus reſpondebit. Et allocat: eidem de firmis terrarum M'chorle Jacen. infra vic. de Ergaile, que eſt tenendia quondam Duncani Lawmondſoun, recept. per vicecomitem de Ergaile, de duobus terminis hujus Compoti, exiſtent. in manibus Regis, ratione warde, v li. vi ſ. viii d. pro quibus idem vicecomes reſpondebit.

Summa Expenſar. xxxvi li. xiii ſ. iiii d. Et ſic reſtat xxxj li. vi ſ. iiii d. ob.

De qua Summa Compotans dicit ſe ſatisfeciſſe Roberto de Calentare ſupra dicto, in partem penſionis ſibi debit. pro Cuſtodia Caſtri de Dunbertane, ſub periculo Compotantis, lv ſ. v d. ob. de quibus idem Robertus reſpondebit. Et allocat Compotans per receptionem ejuſdem Roberti, de firmis terre de Collart, in manibus Regis exiſtent. ratione warde, ut ſupra, liii ſ. iiii d. pro quibus eciam idem Robertus reſpondedit. Et alloc. eidem per ſolucionem factam Roberto de Levyngſtoun, Compotorum Rotulatori, ad Expen. Domicilii, per recepcionem clerici Regiſtri, xxiiii li. xvii ſ. vii d. de quibus idem Rotulator reſpondebit.

Summa hujus Alloc. xxx li. vi ſ. iiii d. ob. Et ſic debet Compotans, de claro, xx ſ. xliiii martas.

COMPOTUM Nigelli Jacobi, Camerarii de Bute, et de Arrane, reddit. Apud Linlithgw, nono die menſis Julii, Anno Dñi, &c. quadrageſimo nono, de omnibus receptis ſuis et expenſ. per firmas et exitus terrarum Domini Regis de Bute, Arane, et de Cumbray, a die penultimo menſis Auguſti, Anni Dni, &c. quadrageſimi Octavi, uſque in diem hujus Compoti. Et ſic de duobus terminis infra hoc Compotum.

Idem Compotans onerat ſe, &c. &c.

Expen. ejuſdem. In primis allocat Compotans per ſolucionem factam duobus Capellanis, celebran. in Caſtro de Bute, et in Capella Sancte Brigide extra Caſtrum, infeodatis ab Antiquo percipien. Annu-

atim de firmis dicte Inſule de Bute, duodecim libras quinque ſolidos et quatuor denarios, in plenam Solucionem feodorum ſuorum de Anno Compoti, ut patet per literas dictorum Capellanorum de recept. oneroſas ſuper Compotum, xii li. v ſ. iiii d. Et Conſtabulario Caſtri de Bute, percipien. Annuatim de firmis ſupra dictis, pro feodo ſuo, quinque libras in plenam ſolucionem dicti feodi ſui, de Anno Compoti v li. Et Janitori dicti Caſtri, percipien. Annuatim quadraginta ſolidos, pro feodo ſuo, in plenam ſolucionem dicti feodi ſui, de Anno Compoti xl ſ. Et Granitario de Bute, pro feodo ſuo de Anno Compoti xl. ſ. Et duobus Vigilibus, pro feodis ſuis per idem tempus, xiii ſ. iiii d. Et Cuſtodi Inſule de Littil Cumray, pro feodo ſuo per idem tempus, xx ſ. Et Camerario de Bute et Arane, pro feodo ſuo per idem tempus, vii li. Et Janitori, Granitario, duobus Vigilibus et Cuſtodi de Litil Cumray ſupradictis, percipiẽn. Annuatim quinque Celdr. farine Avenatice prec. Celdr. xxii ſ. in plenam Solucionem duorum terminorum Compoti viii li. Et alloc. eidem, de firmis terre de Stowlogmor, et Donacione Regis facta Chriſtino Leche, ut patet per literas Regis ſub Signeto direct. Compotan. uſque ad contrarium mandatum duratur: Als oneroſas ſuper Compotum de Anno Compoti iii li. vi ſ. viii d. Et per alloc. factam huſbandis Inſularum de Bute et de Arane, pro quadraginta Mailmartis receptis ab eiſdem, de Anno, &c. quadrageſimo nono, et liberat. Roberto de Levyngſtoun, Compotorum Rotulatori, ad expenſas Domicilii Regis allocand. pro qualibet marta quinque ſolidos, x li. de quibus martis reſpondebit. Et de firmis terre de Barrone, Allocat. Johi Scot Curſori Dñi Regis, in partem ſolucionis feodi ſui, xvi ſ. viii d. Et eidem Johanni Scot, in Complementum feodi ſui de Anno Compoti, xxiii ſ. iiii d. Et Eugenio Scot Curſori Regis, pro feodo ſuo de Anno Compoti xl ſ. Et allocat. Compotan. pro Agitacione dictarum quadraginta Martarum de Bute et de Arane ad le Torwood xx ſ. Et allocat eidem de firmis terrarum de Peñycaſtel, Knokan, Rawneger, Correknokdow, Cranſchant, Knokankelly, et Glaſtere, aſſignat. Willmo Stewart, pro Cuſtodia Caſtri de Braithwik, de Anno Compoti viii li. xvi ſ. viii d. Et allocat Compotan. per ſolucionem factam Roberto de Levyngſtoun Compotorum Rotulatori, ad expenſ. Domicilii Regis, ut patet per literas ſuas de recept. oneroſas ſuper Compotum xxxvi li. de quibus reſpondebit. Et allocat eidem per ſolucionem factam Roberto de Levyngſtoune Compotorum Rotulatori, ad expen. Domicilii Regis ſuper Compotum per receptionem Clerici Regiſtri xl li. de quibus reſpondebit. Et per ſolucionem factam Johi Stewart Vicecomiti de Bute, nunc defuncto, pro feodo ſuo in Officio Vicecomitis de Bute, percipien. per Annum per Cartam Regis Roberti Secundi, pro tempore vite, Sexdecim libras treſdecim Solidos et quatuor denarios, in plenam ſolucionem feodi ſui de Anno Compoti, Jacobo Stewart filio ejus primogenito fatẽ recept ſuper Compotum xvi li. xiii ſ. iiii d. Et per ſolucionem factam predicto

quondam

quondam Johi Stewart, percipien. Annuatim pro Cuſtodia Caſtri de Rothſay quadraginta libras, in plenam ſolucionem dicti feodi ſui, de Anno Compoti, prefato Jacobo faten. recept. ſuper Compotum xl li. Et allocat eidem de firmis terrarum de Loche de Katagill, duarum Couregithes, Peñy reach, Altgowloch, Macharmor, Achagallane, et Machirbeg, in Inſula de Arane, occupat. per Reginaldum M'Alexander, de Anno Compoti xiiii li. vi ſ. viii d. Et alloc. eid. de firmis predict. terrarum predictar. occupat per dictum Reginald, que non fuerunt ſibi alloc. de Anno, &c. quadrageſimo Octavo xl ſ.

Summa Expen. ii c. xiiii li. ii ſ. et Sic Reſtat vii li. xi ſ. iiii d.

Item, Idem Compotans de Ordeo onerat ſe in primis, &c. &c.

Expen. ejuſdem. In primis allocat. per liberacionem factam Roberto de Calentare, Capitaneo Caſtri de Dunbretane, in undecim celdris, et duabus bollis ordei, ſibi venditis et deliberatis, de mandato Compotorum Rotulatoris, faten. mandatum ſuper Compotum, de quibus dictus Robertus de Calentare dedit Compotum celdra ſibi vendita pro quatuor libris xi celdr. ii boll. ordei. Et allocat Compotan. pro quatuor libris pecunie recept. per Compotorum Rotulatorem pro una celdra ordei, i celdra ordei, pro quibus quatuor libris idem Rotulator reſpondebit. Et pro ordeo Graſſume terre de Scoulogmor, remiſs. per Regem Criſtino Leche de Anno Compoti, v boll. ordei. Et Compotan. pro feodo ſuo de ordeo utruſque Inſule, ſibi ut aſſerit Annuatim per ſuum juramentum debit. i celdr. viii boll. ordei. Et per remiſſionem factam Johi Scott Curſori Regis, ex gratia et elemoſina ejuſdem, de ordeo debito de terra quam habet ad firmam de Anno Compoti, i boll. i ſ. ordei. Et allocat eidem de ordeo graſſume terre de Cranſchaunt, et de Knockankelle, vii boll ordei Wmo. Stewart. Et de ordeo debit. de terris quas occupat Reginaldus M'Alexander, in Inſula de Arane, qui nichil vult Solvere Compotanti, vii boll. ordei.

Summa Expenſar. &c. &c.

Item, idem Compotans de Male marts onerat ſe inprimis de xxxvii martis, ii quartar. unius marte, pro Arrerag. ultimi Compoti ſui, &c. &c.

Expenſ. ejuſdem. Inprimis alloc. Compotans per liberacionem factam Roberto de Levingſtoune Compotorum Rotulatori, ad uſus et expen. Domicilii Regis, faten. Recept. ſuper Compotum xl. martes, pro quibus reſpondebit; et pro feodo Conſtabularii Caſtri de Bute de Anno Compoti, ii martes. Et Janitori Caſtri de Bute, pro feodo ſuo de Anno Compoti, i mart. Et Camerario de Bute pro feodo ſuo de

Anno Compoti ii mart. Et de terris aſſignatis Willmo Stewart de Anno Compoti ii martes cum demid. marte. Et de terris quas habet Conſtabularius Caſtri, pro feodo ſuo de Anno precedente hoc Compotum, in quo nunc fuit ſibi Allocat. i mart cum dimid. Et de Anno hujus Compoti i mart cum dimid. marte. Et ex elemoſina Regis, et conſideratione Auditorum, Johanni Scot Curſori Regis, de terra quam habet ad firmam i marta. Et de martis debitis de terris quas occupat Reginaldus M'Alexander, in Inſula de Arane, iiii marts et i quart unius marte.

Summa Expenſarum lv marte et iii quartar. unius marte. Et ſic reſtant xxxix marts et ii quartar. unius marte.

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COMPOTUM Johannis de Fiffe, Receptoris Reddituum et firmarum Domini noſtri Regis, infra Vicecomitatus de Aberdene et de Banff, reddit apud Linlithgw die viceſimo tercio menſis Julij, Anno Dni, &c. quadrageſimo nono, de omnibus Receptis ſuis et expenſis, per firmas, exitus et redditus terrarum Dni Regis infra dictos Vicecomitatus, a decimo ſexto die menſis Septembris, Anni Dni, &c. quadrageſimi octavi, uſque in diem hujus Compoti.

Idem Compotans onerat ſe in primis de i c. lix li. viii ſ. ii d. ob. pro Arrerag. ultimi Compoti ſui, cum quibus ſummis fuit oneratus in ultimo Compoto ſuo, in quo nec expoſuit, nec ſe in aliquo exoneravit, ut patet in pede dicti Compoti ſui.

Summa Arrerag. patet.

Item, Idem onerat ſe de xx ſ. de firmis terre de Kynnardy, exiſtent. in manibus Regis ratione warde, dempta tercia debit. ſponſe quondam Gilberti de Haia, et ſecundis decimis debitis Domino Epiſcopo Aberdonen. de termino Beati Martini ultimo preterito. Et nunc de termino Pentecoſtes ultimo preterito, quod dicti quondam Gilberti heres viz. Andreas de Haya recuperavit ſayſinam ante Pentecoſt. Et de xxxvi ſ. de firmis tercie partis terre de Rothybriſbane, que fuit Sponſe quondam Johannis Duncani in warda exiſtent. dempt. ſecunda decima debit Dño Epiſcopo Aberdonen. de Anno hujus Compoti.

Summa hujus oneracionis lvi ſ.

Et Memorand. quod terre de Bochrum et de Kyninmonde, jacen. infra Vicecomitatum de Banff, ſunt de proprietate Domini Regis, et quondam conceſſe domino Willmo de Forbes, et nunc ſunt occupate per

per Dominum Comitem de Huntlé. Super quibus conſulendus eſt Rex. Et terre de Abiryheldy, que ſunt de proprietate Regis, infra Vicecomitatum de Aberdene, et jacent in Stradee, et occupat. per dictum Comitem. Et quod terre de Blareſchenoch valent annuatim Decem libras. Et unus Annuus Redditus quinquaginta trium ſolidorum et quatuor denariorum, in Culane, ſunt de proprietate Regis, infra Vicecomitatum de Banff, per Eſchaetam quondam Dni Willmi de Lindeſay, et conceduntur Johi de Alloway.

Summa totalis oneracionis, 1 c. lxii li. iiii ſ. ii d. ob. cum Arreragiis.

Expenſe ejuſdem. Inprimis allocat Compotans per remiſſionem factam per Regem Willmo de Setoun, de Relevio terrarum de Aldmeldrum, debit. per Saiſinam datam Sponſe dicti Willmi, xiii li. vi ſ. viii d. Et per remiſſionem factam per Regem Domino Alexandro Comiti de Crawfurde, de relevio terrarum ſuarum de Tulybrothoch, et de Tulynahilt ix li. Et per ſolucionem factam Roberto de Levyngſtoune Compotorum Rotulatori, ad expen. Domicilii Regis, per Receptionem Clerici Regiſtri ſuper Compotum, xxvi li. xiiii ſ. iiii d. de quibus reſpondebit. Et allocat eidem pro ſecundis Decimis quadraginta librarum de tribus partibus relevii terrarum de Aldmeldrum preſcript. debit. Dño Epiſcopo Aberdonen. iiii li. Et de duabus marcis, pro quarta parte relevii dictarum terrarum de Aldmeldrum, ſatisfaciet Domino Epiſcopo Willmus de Setoun, et ejus Sponſa. Et allocat. Compotans pro ſecundis Decimis debitis Domino Epiſcopo Aberdon. de relevio terrarum de Uldny, per Saiſinam Datam Reginaldo de Uldny, xxvi ſ. viii d.

Summa Expenſarum liiii li. vi ſ. viii d. Et ſic reſtat 1 c. vii li. xvii ſ. vi d. ob.

## N° XVII. *Letter James II to Charles VII of France*, 8 *July*, 1455.

Lucæ D'Achery Spicilegium, ſive Collectio Veterum aliquot Scriptorum, &c. Editio nova à De la Barre. Paris 1723, fol. Vol. III. p. 801 *.

Jacobi Scotiæ Regis ad Carolum VII Regem Francorum.

CHRISTIANISSIMO et excellentiſſimo Principi, Carolo Dei gratia Francorum illuſtriſſimo Regi, fratri, et confœderato noſtro amantiſſimo, Jacobus eadem gratia Rex Scotorum, cum recommendatione ac dilectione votivis, feliciter triumphare. Chriſtianiſſime Princeps, frater et conſoederate amantiſſime, Ambaſſiatam noſtram ad veſtræ Majeſtatis præſentiam nuperrime deſtinatam, Reverendum videlicet in Chriſto patrem Thomam Epiſcopum Candidæ Caſæ, Joannem dominum Lindeſſay de Byris, noſtrum conſanguineum, et Joannem Arons Archidiaconum Glaſguenſem, decretorum doctorem, noſtros Conſiliarios intime confiſos, cum ſuis litteris credentiis, et aliis ex parte noſtra commiſſis, ad eandem veſtram Majeſtatem credimus perveniſſe; ac ipſam de noſtra proſperitate, et Regni noſtri ſtatu, potiſſime vero de rebellione Jacobi olim Comitis de Douglas, ſuorumque fratrum et complicium, deque ipſorum nefandiſſimis proditionibus et conſpirationibus, contra noſtram Majeſtatem; de iis ſaltem, quæ ante ipſorum ambaxiatorum receſſum, per eoſdem proditores geſta fuere, ad plenum informaſſe. Verùm quia Veſtram Chriſtianiſſimam Majeſtatem de noſtris votivis ſucceſſibus ſemper audire, et certiorari avidam fore cognoſcimus, præfati Jacobi, ſuorumque fratrum et complicium, ſiniſtros eventus noviſſime recurrentes, preſenti ſcripto duximus explicandos.

Dum enim præfati conſpiratores in ſuis maleficiis, induratis animis, perſeverarent, nos ad caſtrum de Abercorne, quod dicto Jacobo pertinebat, reſpicientes, attendentes etiam quòd illud nobis veriſimiliter magis nocere poterat, pro eo quod Regni noſtri pomerio de facile reſiſti poterat, idcirco illuc cum noſtro exercitu, in hebdomada Paſchali, perſonaliter nos contulimus; ibidemque fixis tentoriis obſidionem firmavimus, et ab eodem non receſſimus, donec infra unius menſis ſpatium, turribus ejuſdem caſtri per circuitum ex continuo machinarum ictu collapſis, per inſultus, ſcalas, et arma bellica, muros ipſius potenter aſcendimus; ipſiuſque adverſariis reſiſtere minime valentibus, ce-

* Apparently from the French archives.

pimus

pimus, et ad terram funditùs proſterni fecimus. Principales vero rebelles, qui in eodem caſtro inventi fuerunt, pœna ſuſpendii juſtificavimus; cæteris vero minoribus, qui noſtram miſericordiam implorabant, vitam gratioſe conceſſimus.

Præfatus vero Jacobus, nobis circa dicti caſtri obſidionem occupatis, videns ſe auxilio et aſſiſtentia ſubditorum noſtrorum fidelium, deſtitutum, infra limites regni noſtri expectare non audens, ad partes Angliæ, quatuor quinque perſonis aſſociatus, ſe contulit: tribus fratribus ſuis Archimbaldo videlicet Comite Moraviæ, Hugone Comite de Ormonde, et Joanne de Douglas de Balvany juniore, in fronteriis Marchiarum noſtrarum verſus Angliam, in partibus videlicet de Oſdaile, poſt ſe relictis: qui dum in eiſdem partibus deprædationes et homicidia in noſtros fideles exercerent, nobiles et fideles noſtri ejuſdem patriæ, in marchis et fronteriis regni noſtri commorantes, contra eoſdem inſurrexerunt, et ipſos viriliter inſequentes apprehenderunt. Sicque primo die menſis Maij ultimo præteriti, inito lethali conflictu, præfati conſpiratores terga ſunt dare coacti: ubi præfatus Comes Moraviæ cecidit mortuus, cujus caput abſciſſum ſtatim nobis, in dicta obſidione caſtri de Abercorne exiſtentibus, per noſtros fideles eſt tranſmiſſum. Dictus vero Comes de Ormonde, ibidem captus, et ad nos deſtinatus, pœna capitali extat condemnatus. Tertius vero frater ad partes Angliæ ſe retraxit.

Quibus ſic feliciter expeditis, caſtrum de Douglas, præfati Jacobi principale, et caſtrum de Strathavane, cæteraque præfati Jacobi fortalitia, per inhabitantes, qui noſtram miſericordiam implorabant, nobis ſunt reddita; et ſolo coæquata, excepto dumtaxat caſtro de Treſe *, per noſtros fideles impræſentiarum obſeſſo; quod Domino concedente in brevi obtinere ſperamus.

Sic igitur, divina diſponente clementia, rebus proſpere ſuccedentibus, Regno noſtro, abſque quacumque Baronum aut ſubditorum noſtrorum rebellione, feliciter preſidemus; præfatis conſpiratoribus extinctis penitus, et expulſis. Hæc omnia ſcribimus ad veſtræ Majeſtatis gaudium ſingulare; quia quemadmodum nos veſtræ Majeſtatis honorem, et commodum, libenter amplectimur, ſic eamdem veſtram Majeſtatem vice mutua diligere nos, et noſtra, minime dubitamus.

Inſuper V. Chriſtianiſſimæ Majeſtati innoteſcimus, qualiter per nonnullos fideles noſtros in fronteriis marchiarum noſtrarum contra Anglicos commorantes, (qui notitiam oppidi noſtri Berlbits †, per eoſdem Anglicos a longo tempore injurioſe detenti, optime habere noſcuntur,) fuerimus informati, quod ſi cum exercitu noſtro, ſubitò et ex inopinato, illuc accederemus, ipſum oppidum abſque difficultate capere potuiſſe-

* Treſe. On the Dee Galloway. For the Acts of Parliament, 1455, have miſled the author, p. 231. Groſe, or Cardonnel, may be conſulted for the ruins of *Treif* caſtle. † Berwik.

mus.

mus. Dumque circa hujus rei exequutionem noſtram providentiam faceremus, accidit quod quidam Anglicus, qui in regnum noſtrum venerat ſub noſtro ſalvo conductu, et qui ſacramento magno adſtrictus erat quod non recederet ſine noſtra licentia petita et obtenta, quamdam etiam præſumptionem ſeu ſuſpicationem habens de noſtro propoſito antedicto, ſubito ad partes Angliæ ſe contulit, et noſtrum propoſitum præfatis Anglicis patefecit. Sicque factum eſt quod cum ad præfatum oppidum cum exercitu noſtro copioſo venimus, ſperantes Anglicos de noſtro adventu omnino fuiſſe inſcios, reperimus ibidem inimicos in armatorum numero copioſo, tam per terram quam per mare, ad ejuſdem oppidi defenſionem confluxiſſe. Propter quod noſtrum propoſitum illa vice ad effectum perducere commode non poteramus; ſed iſto nonobſtante, Divina favente clementia, cum adjutorio etiam veſtræ Chriſtianiſſimæ Majeſtatis, proponimus brevi præfatum oppidum cum tali ac tanta proviſione expugnare, quod inimicis prædictis nobis reſiſtendi non erit plena facultas.

Super qua materia, et aliis noſtrum honorem et commodum intimè concernentibus, ordinavimus dilectum noſtrum Herraldum Rothiſſay, latorem præſentium, noſtra intentione plene inſtructum; cui ac etiam aliis Ambaxiatoribus noſtris tranſmiſſis, fidem indubiam, et expeditionem celerem et gratioſam, adhibere dignetur veſtra Chriſtianiſſima Majeſtas, fraternitaſque cariſſima memorata; quam omnium Regum Princeps dirigat atque regat. Scriptum Camburg*. VIII. Julij.

* Edinburg.

N° XVIII. *Forfeiture of the Douglaſes*, 1455. MS. Adv. LIB. A. 4. 7 *.

COMITES, magnates, *protores* †, Barones Comitatuum, et Burgorum Commiſſarii, in Parliamento apud Burgh de Edinburgh tento, et inchoato nono die Menſis Junii, Anno Domini Milleſimo quadringenteſimo quinquageſimo quinto, univerſis et ſingulis ad quorum notitias preſentes litere pervenerint, ſalutem in omnium Salvatore. Veſtræ univerſitati Notum facimus, quod excolentiſſimus princeps Dominus noſter, Dominus Jacobus Rex Scottorum illuſtriſſimus, decimo die Menſis et anni predicti, Coram nobis in pretorio Burgi de Edr. in parliamento prefato, preſentari et perlegi fecit quaſdam literas Summonitionis Capelle Regie, ſub ſigillo officii Canciliarie dicti S. D. N. Regis, Sigillatas ſufficienter, et legittime indorſatas, Jacobo de Livingſtoune Vicecomiti de Lanark in ea parte directas, et ſuo etiam ſigillo in teſtimonium executionis earund. ſigillat. pro Summonitione Jacobi Dowglas, olim Comitis de Dowglas, &c. emanatas. Poſt quarum literarum, et earund. indorſationis lecturam, dictus Jacobus de Douglas, virtute dictarum literarum legittime et peremptorie Summonitus fuit, ut luculenter apparebat per productionem quatuor teſtium, viz. Lyon herald armorum Regis, Roberti de Broyſe, Henrici de Livingſtoune, et Roberti de Dalyell, productorum per dictum Jacobum Livingſtoune, et magno interveniente ſacramento afferentium ipſos preſentes fuiſſe, viceſimo quarto die menſis Aprilis, anno predicto cum Jacobus de Livingſtoune executionem debitam dictarum Literarum ſummonitionis Capelle Regie fecit apud Dowglas, Strathaven, et Crucem burgi de Lanark.

Cum vero, dicta probatione rite et legittime facta, dictus Jacobus de Dowglas, ſepe Vocatus ad Comparend. perſonaliter coram dicto S. D. N. Rege, ſuiſque Regni Statibus, dicto decimo die Junii in Parliamento, et ad Reſpondend. dicto S. D. N. Regi pro proditoriis munitionibus et fortificationibus turrium & fortaliciarum de Treve, Dowglas, Strathaven, et Abercorne; et pro proditoriis legiis et Confederationibus, per ipſum Jacobum etiam factis cum Anglicis, in Corone Regie leſionem; et pro dicta conſpiratione proditoria, & inſurrectione cum multitudine armatorum gentium, hoſtiliter et per modum guerre, prope burgum de Lanark, contra Regem. Et pro ejuſd. Jacobi prodictoriis auxiliis, manutenentiæ *ſui fidens* aſſiſtentiis & ſupportationi-

* A collection by Sir Lewis Stuart in the time of Charles I. This copy muſt have been taken by a very incorrect ſcribe. † Procuratores?

bus, preſtitis et adhibitis ſuis fratribus, et eorum complicibus, in eodum prodictoriis Rebellionibus, &c. per ipſos factis; et pro rapiis per ipſum factis de grangia Henrici Dni. Abernethi, Juſticiarii Dni Regis, et pro dicti Jacobi auxilio et ſupportatione fact. Roberto de Douglas, in exhereditatione Regis, et ſucceſſorum ſuorum, in quantum in ipſo Jacobo extitat, de terris de Strabrok, jure et hereditarie ſpectantibus: et pro incendiis et * * per ipſum Jacobum factis ſuper Grangia de Coliden, et pro arte et parte incendiorum burgi de Dalkeith, et rapinarum Bonorum Inhabitantium dictum burgum; et pro quam pluribus proditoriis Rebellionibus, Criminibus, et tranſgreſſionibus, per dictum Jacobum contra Dominum noſtrum Regem; et ſupra ſuis legiis et *ſubditis* in Domini noſtri Regis opprobrium et contemptum, ac ſuorum legiorum damnum immodicum, et gravamen, Commiſſ. et perpetrat.

Quum quidem Jacobus ſepe vocatus non Comparuit, deinde Lancelotus de Abernethie, prolocutor dicti Domini noſtri Regis, ad proband. et Clare deliberand. dictum Jacobum de Douglas Commiſiſſe et perpetraſſe predictas traditiones in diverſis tranſgreſſionibus predictis per ipſum Jacobum perpetrat. produxit quam plures rationes, allegationes, acta et ſtatuta Parliamentorum, et Jura Communia tam Canonica quam Civilia in ſcriptis redacta. Quibus auditis et intellectis, poſt longam Communicationem inter nos habitam, Comperimus dictum Jacobum prodictoriam Commiſſiſſe traditionem, in omnibus articulis precedentibus prodictoriam traditionem tangen. juxta Acta et Statuta Parliamentorum, ac jura communia Canonica et Civilia: ac etiam ipſum Jacobum de Douglas Criminoſum et reum in omnibus aliis tranſgreſſionibus antedictis.

Tunc vero, remotis omnibus et ſingulis dominis Prelatis dicti parliamenti, ac ceteris Clericis infra ſacros ordinis Conſtitutis quibuſcunque, datum fuit pro judicio, per os David Dempſter de Carraldſtone, Judicatorem Curie parliamenti, quod dictus Jacobus de Dowglas pro dictis ſuis proditoriis Criminibus per ipſum perpetrat. FORISFECIT et perpetuo et vitam, et a ſe et ab ejus heredibus ſuas terras, redditus et poſſeſſiones, ſuperioritates, et officia, cum pertinentiis; et omnia bona ſua, mobilia et immobilia, ad uſum et utilitatem Domini noſtri Regis ſuorum ſucceſſorum et aſſignatorum hereditarie pro perpetuo applicand.

Poſtea vero de mandato Regis * * * * * dicto * * proprio prefata Beatrix probatam legitimam Executionem earund. clare approban. ad oſtend. Domino noſtro Regi Proditoriam munitionem, et fortificationem, Caſtrorum de Abercorne, Dowglas, et Strathaven; et pro proditoria impoſitione Rebellium Regis in dict. Caſtro de Abercorne, et pro arte et parte incendior. Villarum de Kincavill, Bonytoune, et Warneſtoune, ac arte et parte Rapinarum et depredationum

tionum bonorum tenentium dictarum terrarum; et pro ſuis proditoriis conſiliis auxiliis et ſupportationibus quam maximis [per eandem] Beatricem adhibitis ſuis filiis, Jacobo, Archibaldo, Hugoni, et Joanni de Dowglas, et eorum complicibus, in eorum proditoriis criminibus, et tranſgreſſionibus perpetrat. tam in contractibus et ligiis proditorie cum Anglicis, quam in aliis proditoriis actionibus per ipſos perpetrat. Predictaque Beatrice ſepe vocata, et non comparente, auditis igitur et declaratis ex ordine nobis predictis criminibus, et aliis quam pluribus maleficiis, per ipſam perpetratis, comperimus ipſam Commiſſiſſe proditoriam traditionem * * pro predictis criminibus maleficiis et trangreſſionibus, per dictam Beatricem, ut premittitur, Contra Regiam Majeſtatem * * perpetratis, ipſam ream * * * * * * ac vitam; terrarum, poſſeſſionum, et bonorum, et ſuorum omnium *madiiſſe** forisfalturam. Per os dicti Judicatoris Curie Parliamenti datum fuit pro Judicio, quod dicta Beatrix pro ſuis proditoriis, et notoriis criminibus per ipſam perpetratis, forisfecit vitam, et a ſe et heredibus ſuis, terras, annuos reditus, et poſſeſſiones, ſuperioritates, et officia, ac omnia bona ſua mobilia et immobilia dicto Domino Regi, ſuiſque ſucceſſoribus aſſignatis, et hereditarie pro perpetuo applicand. et ſic dictum fuit pro Judicio.

*Indictione* vero poſt hoc dicto, duodecimo Junii, declarat. fuit etiam quod Archibaldus, pretenſus Comes Moravie, Commiſſiſſet proditoriam traditionem, in munitione et fortificatione Caſtrorum de Lochindore, et Tarnan. contra Regem et Leges, et Statuta Regni, et dict. et fact. et quod Commiſſiſſet proditoriam traditionem, pro ſuis proditoriis aſſiſtentiis ſupra dictis. Per os dicti Judicatoris Curie Parliamenti datum fuit pro judicio quod omnes et ſingule terre, reditus, poſſeſſiones, ſuperioritates, et officia, et bona mobilia et immobilia, dicti Archibaldi de Douglas, de jure [eſſent] dicti S. D. N. Regis, tanquam ſua Eſchaeta; et cum ipſo S. D. N. Rege ſuiſque ſucceſſoribus et aſſignatis, remanere debent pro perpetuo. Et ſic datum fuit pro judicio per dictum David Judicatorem Curie Parliamenti.

Incontinen. vero Joannes de Douglas de Balvenne, frater germanus dicti Jacobi de Douglas, oſtenſis et intellectis literis ſummonitionis ejuſd. legitime executis, et debita Executione earund. facta et probata, per teſtes predictos, et alios fide dignos, Vocatus fuit ad Comparend. coram Domino N. Rege et nobis, dicto duodecimo die Junii. Summonitus fuit ad Comparend. dicto die ad reſpondend. ſuper criminibus, et ſingulis proditoriis tranſgreſſionibus infra ſcript. viz. pro prodita munitione Caſtri de Abercorne, et pro proditoriis ligis et confederationibus per ipſum Joannem factis cum Anglicis; pro proditoriis ligis, criminibus, ſupportationibus preſtitis et adhibitis Jacobo de Douglas, et

* ſubiiſſe?

ſuis fratribus, et eorum proditoriis et notoriis Rebellionibus per ipſos perpetratis. Quo Joanne ſepe vocato et non comparente, Auditis teſtificationibus Corone ac * * * * * tranſgreſſionibus, prodictoriam traditionem: et ipſum Joannem etiam reum et criminoſum eſſe, et fuiſſe, in certis criminalibus actionibus predictis, per dictum Joannem de Douglas perpetratis, Vitæ, terrarum ſuarum, reddituum et poſſeſſionum, ac bonorum mobilium et immobilium *Judicaſſe** forisfacturam. Et ipſas terras, poſſeſſiones, et omnia mobilia et immobilia, dicto domino noſtro Regi, ſuiſque ſucceſſoribus et aſſignatis, hereditarie pro perpetuo appropriari debere. Ideo remotis Clericis, prelatis, ut premittitur, per os dicti Judicatoris Curie Parliamenti datum fuit pro judicio, quod dictus Joannes Douglas de Balvenie forisfecit Vitam, et a ſe et ſuis hæredibus ſuas terras, ſuperioritates et officia, redditus et poſſeſſiones, ac omnia bona mobilia et immobilia dicto Domino noſtro Regi, ſuiſque hæredibus et ſucceſſoribus, et aſſignatis, pro perpetuo appropriand.

In quorum omnium et ſingulorum fidem et teſtimonium premiſſorum ſigilla noſtra [appoſuimus.] Joannis Comitis Atholie. Georgii Anguſie Comitis. Maleſii Comitis de Menteith. Willmi Comitis de Errol Conſtabularii Scotie. Joannis domini Lorne. Thomæ domini Erſkine. Colini domini Campbell. Patricii domini Grahame. Willmi domini Sommervelle. Alexandri domini Montgomerie. Roberti domini Maxwell. Georgii domini Leſlie. Patricii domini Glamis. Jacobi domini Hameltun. Andreæ domini lie Gray. Roberti domini Boyd. Willmi. domini Borthwick. Una cum ſigillis Jacobi de * * Willmi Haig de Colibre, procurator. Joannis Comitis Roſſie, domini Inſularum: et ſigillo Majori Joannis * * * procuratoris Alexandri Comitis de Huntlie. Sigillum Communium burgen. de Hadingtone, pro parte Commiſſariorum Burgorum in dicto Parliamento, preſentibus ſunt appenſa. Et ad plenariam premiſſorum obedientiam, ſigilla Reverendorum in Chriſto patrum, Jacobi, Thomæ, Thomæ, Roberti, et Georgii, Sancti Andreæ, Dunkelden. Roſſen. Dunblane, et Leſmoren. et Eccleſiæ Venerabilium in Chriſto Patrium Willielmi Prioris Sancti Andreæ, et nonnullorum Abbatum, preſentibus ſunt appenſa. Apud Edr. decimo die Menſis Junii, Anno Dni Milleſimo, quandringenteſimo, quinquageſimo quinto.

* Subiiſſe?

## N° XIX. *An Account Charge and Diſcharge, of John Biſhop of Glaſgow, Treaſurer to James III, for the Year* 1474 *.

### CHARGE.

The compter's charge for compoſitions of charters, wards, marriages, eſcheats, remiſſions, &c. for this yere, extends to L. 3240 : 19 : 9 Scots.

### DISCHARGE.

Expenſes for the King's perſon.

| | L. | s. | d. |
|---|---|---|---|
| Deliverit to James Homyl, the 13th day of Auguſt, 4 elne of Franche blake, for a ſyde gowne to the King, fra Wat Bertram, price 42 s. the elne, the ſum - - | 8 | 8 | 0 |
| Item, To James Homel, to buy 10 elne of fuſtin, to lyne the ſamyn gowne, price 3 s. the elne, - - - | 1 | 10 | 0 |
| Item, to James Homel, to buy graith for the King's vellum doublet, - - - - - - - - | 0 | 10 | 0 |
| Item, To Andrew Balfour, an half elne of graith to lyne the King's ſhort gowne, - - - - - | 0 | 12 | 0 |
| Fra the ſame, twa elne of quhite, to lyne twa pair of hoſs to the King, price elne twantie pennies, ſum, - - | 0 | 3 | 4 |
| Item, Fra the ſamyn, an elne of black, to eke furth (to widen) the lyning of the King's gown, - - | 0 | 6 | 0 |
| Item, Coſt (bought) fra Will. of Carkettel, be Androu Balfoure, and deliverit to Rob. Sheves, for three ſarks (ſhirts) to the King, 3d Septembris, 10 elne and ane half of ſmall (fine) holland cloth, price elne 13 s. 4 d. ſum, - | 7 | 0 | 0 |
| Item, Fra Iſabell Williamſone, 3d Septembris, and deliverit to Rob. Sheves, 13 elne of ſmall holland cloth, for three ſarks, and a curch (cap), price elne 12 s. ſum, | 7 | 16 | 0 |
| Item, Fra Thomas Brown, 4th Septembris, thre quarters of blew, for harneſſing to the King's ſadellis, price 12 s. | 0 | 12 | 0 |
| Item, Fra the ſamyn, an elne of quhite, for the ſamyn twantie penies, - - - - - - | 0 | 1 | 8 |

* From Borthwick's Remarks on Britiſh Antiquities, Edin. 1776, 8vo: the only curious article in the work.

Item,

| | L. | s. | d. |
|---|---|---|---|
| Item, Fra Tom. Crown, for the ſamyne harneſſing, an elne and a half of rede, price - - - - - | 0 | 9 | 0 |
| Item, Fra David Quiltitch's wife, 3 unce of ſilk, for the ſamyne, price of the unce 5 s. - - - - - | 0 | 15 | 0 |
| Item, Given to James Saddilar, for a ſaddil to the King's trompis, coſt be Androu Balfoure, fra the ſaide James, price 45 s. - - - - - - - - | 2 | 5 | 0 |
| Item, Given to a ſkynner, 7th Septembris, for a lyning of lam-ſkinnies, coſt be Androu Balfoure, to lyne a gowne of chamlot to the King, price 34 s. - - - | 1 | 14 | 0 |
| Item, Fra Thom. Malcolme, an elne and ane half of quhite, for ſute ſokks to the King, price elne 2 s. - - | 0 | 3 | 0 |
| Item, Fra David Quiteheid, be Androu Balfoure, 5 elne of braide clath, to turſe the King's doublatts and his hoſs, price of the elne 18 d. - - - - - | 0 | 7 | 6 |
| Item, Given to Archibald of Edmonſtoune, 12th Septembris to buy a pair of ſpurrs to the King, 4s. - - | 0 | 4 | 0 |
| Item, To a child of the chalmer, 4 elne of braid clath for twa ſarks, price elne 3 s. - - - - - | 0 | 12 | 0 |
| Item, By the King's command, 5 quarters of bukacy, for a doublatt to littill Bell, 10 s. - - - - | 0 | 10 | 0 |
| Item, For braid clath to the ſamyne, 18 d. - - | 0 | 1 | 6 |
| Item, For a quarter of blak, to make a jakat to Bell, 8 s. | 0 | 8 | 0 |
| Item, For a quarter of ſatyne, to bind Bell's doublatt, 6 s. | 0 | 6 | 0 |
| Item, Be Androu Balfoure, 20 Octobris, fra David Goldſmith, 8 elne of ſmall ribbons, for the King, 2 s. - - | 0 | 2 | 0 |
| Item, Be the ſaid Androu, 24 Octobris, fra Will of Kirketill, 10 elne of canves, to mak Nikky and Bell a bed to lie on in the King's chalmer, price of the elne 16 s. ſum - | 0 | 13 | 4 |
| Item, Fra Thome of Stanly, be the ſaid Androu, ane elne and ane half of blak, for 2 pair of hoſs to the King, price 38 s. - - - - - - - - | 2 | 17 | 0 |
| Item, Fra John Malcolme, 2 elne of quhite, to lyne the King's hoſs, price elne 18 d. - - - - | 0 | 3 | 0 |
| Item, Fra David Quhiteheid, 3 Decembris, 2 elne of valouſs, for two tippats to the King, price 55 s. - | 5 | 10 | 0 |
| Item, Fra Thome of Yare, and deliverit to Archibald of Edmonſtoune, 17 Decembris, 2 elne and ane half of valouſs, for a ſute mantile to the King, price elne 45 s. ſum | 5 | 12 | 6 |
| Item, Fra Thome Cant, 24 beſtes of grece, to lyne a tippat to the King, price of the beſt 13 d. ſum - - | 1 | 6 | 0 |
| Item, Fra Thome Cant, be Androu Balfoure, 20 Decembris, a bonet to the King, price 15 s. - - - | 0 | 15 | 0 |

Item,

| | L. | s. | d. |
|---|---|---|---|
| Item, For 2 hattis to the King, coſt fra Karnies, price 20 s. | 1 | 0 | 0 |
| Item, Given to Sandy Balfoure the ſchevar, for certane clath ſchorn be him to the King and the Quene, and the King's ſiſter, and the heuſmen, fra Paſche to Yule, (that is, from Eaſter to Chriſtmas), | 2 | 0 | 0 |
| Item, Given to a ſkynner, for the lyning of lam ſkinnis, to the King's jakat of ſating, | 0 | 6 | 0 |
| Item, Given to James Homyll, 3 Januarius, to buy 3 elne of gray, for lang ſokks to the King, | 0 | 5 | 0 |
| Item, Given to Will. Scheves, to pay for the ſewing of the King's ſarks, laid down by him before 3 Septembris, | 0 | 12 | 0 |
| Item, for ſilk to the ſamyne, | 0 | 3 | 0 |
| Item, Fra Thome of Stanley, half an elne of black Sating, to cover an oriſone buke to the King, | 0 | 13 | 4 |
| Item, For a hat to the King, tane by Johne of Murray at Yule, | 0 | 12 | 0 |
| Item, Fra ane elne and ane halfe of velloufs, for a cheſabell to the King's cloſat, price 45 s. | 3 | 7 | 6 |
| Item, Fra Iſabell Williamſone, primo Martii, halfe ane elne of velloufs, to the King's brigintynis, 25 s. | 1 | 5 | 0 |
| Item, Fra Will. of Rend, 4 pyrnis of gold, for the King's knappis to the harneſſing, price of the pyrn, 12 s. ſum | 2 | 8 | 0 |
| Item, Fra Will. of Rend, 16 elne of Holland-clath, for ſarks to the King, price elne 10 s. | 8 | 0 | 0 |
| Item, Given to Robyne Huntar, 20 Junii, to buy a chymna to the King's cloſat, 18 s. | 0 | 18 | 0 |
| Item, Fra Thome Cant, to the King on Paſche evin, a bonat, | 0 | 16 | 0 |
| Item, For the King, 5 elne of ribbanis for his doublat, | 0 | 3 | 4 |
| Item, Fra David Quhiteheid, for grene ginger, tane at divers tymes, be Kirkaldy and Will. Pringell, at the command of Will. Schevas, ſen the comptar's laſt compt to the 26th day of Julii laſt, | 2 | | 6 |
| Item, Fra Will. of Rend, 6 elne of ſmall braid clath, for covers to the King's codbers, (pillows), price elne 4 s. ſum | 1 | 4 | 0 |
| Item, Fra David Malwyne, three elne and ane halfe of gray, for a clok to the King, price elne 10 s. ſum | 1 | 15 | 0 |
| Item, The 27th day of Julii, to a Flemyng of Brugeſs, for certane potigaries, coſt to the King be Maiſter William Shevas, Archdene of Sanct Androis, | 12 | 7 | 0 |
| Item, Given Jame Broune ſadillar, at the King's command, the 26th Auguſti, ane and ane halfe henry-noble of gold, to gilt a ſmall harneſſing to the King, | 2 | 0 | 0 |

Item,

| | L. | s. | d. |
|---|---|---|---|
| Item, Given to a tailyour that makes the King's hoſs, for certane lyning, making, and uther warkmanſhip, wrocht be him, as his bill beirs, preſentit to the comptar be Androu Balfoure, 28 Auguſti, - - - - | 4 | 13 | 6 |
| Item, Fra Iſabell Williamſone, 6 Octobris, 6 quarters of vellous, for covering of a ſword and two tippats, price of the elne 3s. - - - - - | 4 | 10 | 0 |
| Item, A pyrn of gold, for a ſkawburn to the ſamyn, | 0 | 10 | 0 |
| Item, Given to Androu Balfoure, a ferding of a noble, to gilt a chaip to the King's ſword, - - | 0 | 7 | 6 |
| Item, Fra Johne of Yare, 13 Octobris, ane elne of ſkarlett, for a petticote to the King, - - - | 2 | 10 | 0 |
| Item, The ſamyn tyme, fra Iſabell Williamſone, an quarter of rede crammaſay vellous, for the covering of the litil bering ſword, - - - - - | 1 | 0 | 0 |
| Item, Fra Thome of Stanly, 16 elne of ſmall ribbanis, for the King's doublat ſleiffs, price the elne 3 d. ſum - | 0 | 4 | 0 |
| Item, Fra Will. of Kerketill, 26 Octobris, 4 elne and ane halfe of fating, to lyne a gowne of clath of gold to the King, the quhilk was gevin to the herald of Inglande, at the paſſing of the ambaſters, price elne 30 s. - | 6 | 15 | 0 |
| Item, Given to Rob. Raa, 4 Novembris, for certane gluffs coſt to the King and Queen, as a bill beris, ſubſcrivit with the King's hand, - - - | 1 | 10 | 0 |
| Item, Fra Will. of Kerkettil, 8 Novembris, ane elne of holland-clath, for muchis (caps) to the King, - | 0 | 10 | 0 |
| Item, Given to Gely Bruſour, 20 Novembris, for a bag, ſilk, gold, and werk thereof, to the King, - | 1 | 0 | 0 |
| Summa totalis, | L.118 | 18 | 6 |

## Things tane for the Quenis perſon.

| | L. | s. | d. |
|---|---|---|---|
| Imprimis, To Caldwell in here chalmer, to pay for patynis and corks, - - - - - | 0 | 12 | 0 |
| Item, To Androu Balfoure, 20 Auguſti, for livery gownes to ſex ladies of the Quenis chalmer, at here paſſing to Quhiteherene, 21 elne of gray, fra David Gill, price of elne 10 s. - - - - - - | 10 | 10 | 0 |

Item

| | L. | s. | d. |
|---|---|---|---|
| Item, Fra Henry Caunt, 22 Auguſti, ane elne and ane halve of ſatyne, for turrats to the Quene, price of the elne 26 s. 8 d. - - - - - | 2 | 0 | 0 |
| Item, Fra Thome Malcolme, 26 Auguſti, 28 elne of gray, to lyne the ſex gownes, price elne 14 d. ſum - | 1 | 12 | 8 |
| Item, Fra Will. of Kerkettil, the ſamyn tyme, 6 elne of braid clath, to the ſamyn gownes, price elne 18 d. ſum | 0 | 9 | 0 |
| Item, Fra ſamyn man, the ſamyn tyme, 3 elne and ane halve of blak, for a ſliding gowne to the Quene, price elne 36 s. ſum | 6 | 6 | 0 |
| Item, Fra the ſamyn, 3 elne of velouſs, for the collars and ſleiffs of the gentill womans gownes, price elne 55 s. ſum | 8 | 5 | 0 |
| Item, The ſamyn tyme, fra the ſaide Williame, 3 elne and ane halve of velouſs, for the Quenis gowne, price elne 55 s. ſum - - - - - | 9 | 12 | 6 |
| Item, Gevin to a ſkynner of Strivelinge, for a duſane of gluffs to the Quene, - - - - - | 0 | 6 | 0 |
| Item, Be Androu Balfoure, fra Will. of Kerkettill, twa elne and ane halve of blak, for a clok and capite bern for the Quene, price elne 36 s. ſum - - - | 4 | 10 | 0 |
| Item, Twa elne and ane halve of Scotts black, to lyne the ſamyne clok, price elne 5 s. - - - | 0 | 12 | 6 |
| Item, Three quarteris of blak, to fulfil furth the lynyng of the Quenis gowne, - - - - | 0 | 3 | 9 |
| Item, Fra Androu Moubra, 8 elne of braid clath, 6 Octobris, to cover a baith ſate to the Queen, price 2 s. 6 d. the elne | 0 | 16 | 0 |
| Item, Fra the ſamyn, 3 elne of braid clath, for a ſchete to put about the Quene in the baith fat, price elne 3 s. ſum | 0 | 9 | 0 |
| Item, Fra Iſabell Williamſone, be Sandy Wardropare, in abſence of Androu Balfoure, 5 Novembris, 5 quarters of black, for hoſs to the Quene, price elne 40 s. - | 2 | 10 | 0 |
| Item, Be Androu Balfoure, fra David Quhiteheid, 3 Decembris, 7 elne of cramacy ſatyne, for a kirtele to the Quene, and to cover her bonats of tyre, price 3 l. 10 s. ſum | 24 | 10 | 0 |
| Item, Gevin to a ſmyth of Leith, for a chimney to the Quenis cloſat, - - - - - | 0 | 18 | 0 |
| Item, For band-ledder to the Quenis furring of her gloves, | 0 | 5 | 0 |
| Item, Fra Henry Caunt, be Androu Balfoure, 17 Aprilis, 5 elne of criſty gray, price of the elne 30 s. to lyne a gowne of blak damaſk to the Quene, ſum - | 7 | 10 | 0 |
| Item, Fra Thome of Stanly, 27 Aprilis, ane quarter of blew vellous, to cover the Quenis ſtirrup irons, - | 0 | 15 | 0 |
| Item, Fra Will. of Rend, 7 Maii, and deliverit to Caldwell, halve ane elne of double tartan, to lyne riding collars to the Queen, price - - - - | 0 | 8 | 0 |

| | L. | s. | d. |
|---|---|---|---|
| Item, For 5 elne of ſmall braid clath, for two hed ſchets, price of the elne 4 s. - - - | 1 | 0 | 0 |
| Item, Gevin to Caldwell, 22 Junii, to buy 2 baſſings for here chamber, - - - - - - | 0 | 12 | 6 |
| Item, Fra Iſabell Williamſone, 2 elne of ſatyng, for tippats and collars, and deliverit to Caldwell, price elne 30 s. ſum - - - - - - - | 3 | 0 | 0 |
| Item, Fra Will. of Rend, ult. Julii, half ane elne and half quarter of ſatyng, for the Quenis bonat of tyr, price elne 30 s. - - - - - - | 0 | 18 | 9 |
| Item, Fra Iſabell Williamſone, 26 Auguſti, half ane elne and halfe quarter of blak, for 2 pair of hoſs to the Quene, price elne 34 s. - - - - - | 1 | 1 | 3 |
| Item, Given to heed ſutor, for the Quenis ſchonne, fra Saint Jelys day * was a yere, to the 21ſt day of Septembre, | 7 | 0 | 0 |
| Item, Fra Will. of Kerkettil, and deliveret to Caldwell the ſamyn tyme, ane elne of ſatyne, for ſtomoks to the Quene, | 1 | 10 | 0 |
| Item, Fra Roger of Murray, the halve of 5 quarters of vellous, for a tippat to the Quene, price elne 50 s. | 1 | 11 | 3 |
| Item, For armyne, to lyne a ſtomok to the Quene, - | 1 | 5 | 0 |
| Item, To Thome Skynnare, for 26 beſtes of grece, to lyne a tippat to the Quene, price - - - | 1 | 6 | 0 |
| Item, For making the tippat, and two ſtomoks, - | 0 | 3 | 0 |
| Item, For a meſs bucke to the Quenis alter, at her command, by Captain John Cat, - - - | 10 | 13 | 4 |
| Summa totalis, | L. 113 | 1 | 6 |

## Things coſt for my Lorde the Prince.

| | L. | s. | d. |
|---|---|---|---|
| Imprimis, To my Lorde Prince, 28 Auguſti, from Robert Nut, 5 elne of holland clath, for ſarks and muchiſs, price elne 10 s. ſum - - - - | 2 | 10 | 0 |
| Item, Fra Thome Malcolme, ultimo Auguſti, 5 quarters of quhite, to lyne a cot to my Lorde, - - | 0 | 2 | 0 |
| Item, Fra Donald of Kyle, 3 quarters of broune for a coat, price elne 30 s. - - - - | 1 | 2 | 6 |

* 1 Sept.

Item,

| | L. | s. | d. |
|---|---|---|---|
| Item, The ſamyn time, fra Thome Malcolme, 3 elne of quhite, for his credile, and ſtuffe perteynyng thairto, price elne 2 s. - - - - - | 0 | 6 | 0 |
| Item, Gevin to Androu Balfoure, 12 Octobris, to buy 12 elne of lyning for a ſchets to my Lord's nuriſs, - | 0 | 10 | 4 |
| Item, Six elne of ſmall braid clath, for his ſchets, price 4 s. ſum - - - - - - | 1 | 4 | 0 |
| Item, tertio Februarii, for ane elne of quhite, to be hoſs to my Lorde, - - - - - - | 0 | 3 | 0 |
| Item, From Thome of Stanly, 2 elne of laune, for my Lordes muchiſs, price elne 12 s. - - | 1 | 4 | 0 |
| Item, Fra Thome of Yare, ane elne of Carſaye, - | 0 | 13 | 4 |
| Item, 30 Februarii, for ane elne of quhite, for my Lorde Prince's pettycote, price 4 s. - - - | 0 | 4 | 0 |
| Item, Fra Dick Foreſtare in Leith, 3 duſane of Eſtland burds, for my Lorde's chalmèr, price of the duſane 15 s. | 2 | 5 | 0 |
| Item, To my Lorde Prince, for his ſarks, 3 elne of braid clath, tane fra Iſabell Williamſone's ſone, price elne 4 s. | 0 | 12 | 0 |
| Item, Fra Iſabell Williamſone, quarto Aprilis, two elne and ane halve of Franche broune, to cover my Lorde's cradile, price elne 30 s. - - - - | 3 | 15 | 0 |
| Item, For 4 elne and ane halve of tartane, for a ſparwort aboun his credill, price elne 10 s. - - | 2 | 5 | 0 |
| Item, Elevin elne of braide clath, for ſarks and ſchets tane, fra Iſabell Williamſone, to my Lorde Prince, price elne 4 s. ſum - - - - - - | 2 | 4 | 0 |
| Item, Fra Will. of Rend, to bind my Lord's courtings, ane and a halve quarter of bukrame, - - | 1 | 4 | 0 |
| Item, For 8 elne of quhite, to my Lord, for blankets, price of the elne 3 s. - - - - | 1 | 4 | 0 |
| Item, Be Androu Balfoure, fra Thome of Yare, 28 Junii, 3 elne and ane halve of Inglis ruſſat, for a gowne to my Lord the Prince's nuriſs, price elne 24 s. - | 4 | 4 | 0 |
| Item, Ten elne of quhite fuſtiane, for blankets to my Lorde, tane fra Will. of Rend, price elne 2 s. 8d. ſum - | 4 | 0 | 0 |
| Item, 12 elne of braid clath, for a pair of ſchets, tane fra Will. of Rend, price elne 2 s. 6 d. - - | 1 | 10 | 0 |
| Item, To my Lorde Prince, fra Will. of Kerkettill, 5 elne of braid clath to his ſchets in his cradill, price 2 s. 6 d. ſum - - - - - - | 0 | 12 | 6 |
| Item, Fra Will. of Kerkettill, 26 Julii, 8 elne of holland clath, for ſarks and muchiſs, price elne 10 s. - | 4 | 0 | 0 |

| | L. | s. | d. |
|---|---|---|---|
| Item, Fra Iſabell Williamſone, ſexto Octobris, 2 elne of ſatyne, to his cot, price elne 36 s. - - | 3 | 12 | 0 |
| Item, Fra the ſamyn, ane elne and ane half of blew tartane, to lyne his gowne of a clath of gold, - - | 1 | 10 | 0 |
| Item, Twa elne and ane halve of quhite, for a night-cot to him, - - - - - - - - | 0 | 5 | 0 |
| Summa totalis, (Prince), | L. 41 | 1 | 8 |
| (King), | 118 | 18 | 6 |
| (Queen), | 113 | 1 | 6 |
| Sum total of the three accounts, | L. 273 | 1 | 8 |
| Due to balance, | 2967 | 18 | 1 |

## N° XX. *Edward IV to Dr. Legh his embaſſador in Scotland*, 1477. Veſp. C. XVI, f. 121.

R.

MAISTER Legh. Where as our brother and couſin the king of Scotts deſireth a mariage to be had, betwixt our brother of Clarence and a ſuſtre of the ſaid king of Scotts; And another mariage alſo to be had, between our ſuſtre the Ducheſſe of Burgoign, and the Duc of Albany his brother; Ye ſhal ſay, that forſomoch as this deſir procedeth of his entier love and affection anempſt us, we thanke hym as hertily as we can. And forſomoch alſo as, aftre the old uſaige of this our royalme, noon eſtat ne perſon honnorable communeth of mariage within the yere of their doole, We therfor as yit can not convenientely ſpeke in this mater. Nathelas when we ſhal finde tyme covenable, we ſhal feel their diſpoſicions, and theruppon ſhewe unto hym the ſame in all goodely haſt.

Item, where as we have other tymes addreſſed our lettres miſſives unto Sir Robert Conſtable, for reſtitucion of the goods of Thomas Yare, we nowe have ſent for hym, by prive ſeal, to come unto us in his own perſon, and to ſhewe cauſe why the ſaid reſtitucion is not doon.

Item, in the matier concernyng the robbery of the tenaunts of Sir John Carlill, and other of th' obeiſſance of our ſaid brother king of Scotts, ye ſhal ſay that we have written unto our brother the Duc of Glouceſtre, wardeyn of our weſt marches, that he ſhal ſee due reformacion to be had, according to right and cuſtome of the ſaid marches.

R.

N° XXI.

## N° XXI. *From the old chronicle at the end of Winton*, MS. Reg. 17 D XX.

A. D. 1400. Diſceſit biſchop Walter Traile of Sanct Androis, and the nixt yer folowand was the batell ſtrykin of Neſbyt muir: and that ſamyn yeir was the ferd mortalyte.

1402. Was the batell of Homyldone; and the nixt yer folowand was the batell of Schrewſbery and Coklaw.

1405. Was the deſceas of king Robert the Thrid.

1406. Was the brinnyng of Stirlyng.

1413. Begane the univerſyte in Sanct Androis. (The batell of Hairlaw 1411.)

1419. Was the paſſage of the erle of Buchan, and Wigton, in France: and that ſamyn yer was the dry ſomer; and the nixt yer folowand was the fyft mortalyte, the qwhilk was callit the Qwhew.

1421. Was the batell of Bolgee.

1423. Was the coronatioun of James the firſt, and of his ſpouſe at Scone.

1433, And in the moneth of Julij, was the blak hour generall.

1436. Was the firſt ſege of Roxburgh be king James the firſt: and the nixt faſteryngs ewyn he was ſlayne in Sanct Jonſtoun, be the erle of Atholle' ſone and air, and Robert Grayme, tratours, and thear complices.

1436. Was the coronatioun of king James the ſecund with rede ſcheik, callit James with the fyr in the face, he beand bot ſax yer ald and ane half, in the abbay of Halyrudhouſe, quhar now his banys lyis.

1439. Was the deir ſummyr, for the boll of meill was for xxiiii s. and the boll of malt for ii merkis, and the boll of quheit for xxx s. and mony deit for hungyr.

1440. Was hedyt erle Wilyem of Dowglace, and David his brother, and Malcom Flemyng lord of Cummernald, James the ſecund beand Juſtice.

1451. Began the univerſite in Glaſgw, purcheſt be biſchoip Turnbull. And that ilk yeir was the firſt pardon of Glaſgow, of full remiſſioun, as in the yer of grace, and leſtyt four moneths, purcheſt be the ſamyn biſchoip William Turnbull.

1454. Deit that biſchoip Wilyem Turnbull, to quhome ſuccedit biſchoip Androw Durriſdur.

1460, And thrid day of Auguſt, deit king James the ſecund at Roxburgh, be the brekyn of on his awyn gunnis, at ſtraik him to deid,

deid, at the ſecund ſege of Roxburgh; and he was erddit in Halyrudhouſe. On the ſanct Laurence day, nixt folowand the deces of James the ſecund, was king James the Thride his ſone crownyt in Kelſo, he beand ancht yeris of eld and ane half.

(1463. Jhone of Dowglace was ſlayne in Edynburgh, and erle James his brother was chaſyt in England.)

1469. James the Thrid of Scotland, the xiii day of Julij, was maryit in Halyrudhouſe in gret dignite, with Margaret with the king's douchter of Norway, Daſie, and Swaſie, and Denmerk: and that ſamyn yeir was banyſyt the lord Bowde, and Schir Alexandur, lord and knycht, was hedyt in Edynburgh.

(1463. Alexander duke of Albany was tane on the ſe be the Ingliſhmen, and honorabilly deliverit for the inſtance of his brother king James be king Edward in Ingland.)

1471. Drownyt the biſchoipis of Sanct Androis' barge.

1479. King James the Thred banyſit Alexander his brother, duke of Albany: and paſſyt in France, and was maryit thar; and after that come in Ingland, and maid his reſidence with king Edward of Ingland. And than the king of Scotland gart ſege Dunbar the Dukis caſtell, and the lord of Bunterdaill was capitane, and he and his ſtall away be the ſe, and ſo the king gat the caſtell. And that yer was mony weches and warlois brint on Crag Gayt; and Jhone the erle of Mar, the king's brother, was ſlayne becaus thai ſaid he faworyt the weches and warlois.

1480. Raiſe ane gret wer betwix Ingland and Scotland; and that yer the erle of Anguys with gret power of Scotts paſſyt in Ingland, and brynt Balmburgh, and lay thre nytis and thre dais in Ingland. And that yer was gret tempeſt of wedder, for ane gret ſtorme began at New yeir day, and leſtyt quhill the xxvi day of Marche: the morn after our lady day in lenterin the ſtorme brek. And nixt Beltyn day aftir was ewill beltyn day.

1482. Thar was ane gret hungyr and deid in Scotland, for the boll of meill was for four punds; for thar was blak cunye in the realm, ſtrikkin and ordinyt be king James the Thred, half-pennys, and three-penny pennys, innumerabill, of coppir. And thai yeid twa yer, and mair. And als was gret wer betwix Scotland and Ingland, and gret diſtructioun throw the weris was of corne and catell. And thai twa thyngs cauſyt bayth hungar and derth, and mony pur folk deit of hungar. And that ſamyn yeir, in the moneth of Julij, the king of Scotland purpoſyt till haif paſſyt in Ingland with the power of Scotland, and paſſyt on gaitwart to Lawdyr: and thar the lords of Scotland held thar conſaill in the kirk of Lawder, and cryit downe the blak ſilver; and thai ſlew ane part of the king's houſald, and other part thai banyſyt: and thai tuke the king himſelf, and thai put him in the caſtell of Edynburgh

Edynburgh in firm kepyng, for he wrocht mair the conſaell of his houſald, at war bot ſympill, na he did of thame that war lordds. And he was haldyn in the caſtell of Edinburgh fra the Magdalyne day quhill Michaelmeſs. And than the wictall grew better chaip, for the boll that was for four punds was than for xxii s. of quhyt ſilver.

## N° XXII. *Pacification of Blackneſs.* (April 1488.) Records of Parliament, Regiſter Office, Edinburgh*.

THIR ar the articles, uppone the quhilk our Soverain Lord ſall gif commiſſioun under his gret ſele to the lordis underwritten, That is to ſay the Biſchop of Aberden Chancellar, the Erlis of Huntlie, Erole, Merſchiale, Lord Glamınys, and Alexander Lindeſay, to comone conclude and end with thir lordis followand, That is to ſay the Biſchop of Glaſgw, the Erlis of Angus, Ergile, Lord Halis, Lord Lile, the quhilkis lordis ſall haffe full commiſſioun of my Lord Prince, and of all the lordis being with him.

In the firſt, to comone and conclude that the Kingis hie honor, eſtate, riale autorite, be exaltit, conſervit, and borne up; at he may exhers juſtice univerſally to all his liegis in all the pertis of his realm.

Item. At his maiſt noble perſon be at all tymes in honor, ſecuritie, and fredome; and at thar be prelatis, erlis, lordis, and baronis, and utheris perſones of wiſdome, prudence, and of gud diſpoſition, and unſuſpect to his hienes, and evinly to all his liegis, dayly about his nobil perſoun, to the gud giding of his realme and lieges.

Item. That all the perſons being about my Lord Prince, that has in tym bygane done diſpleſſour to his hienes, mak honorabile and agreabile amendis to his hienes, be the wiſdome and diſcretione of the ſaid lordis, thar liffis, heretage, and honouris except.

Item. That the Kingis hienes ſall giff honorabill ſuſtentatioun and levin to my Lord Prince his ſone, at the conſideratione of the ſaidis lordis.

Item. At wiſe lordis, and honorabill perſons of wiſdome and diſcretioun, evinly and of gud diſpoſitioun, ſal be dayly about my Lord Prince, for the gud governance of him, and ſecurite of his perſon in his tender age.

Item. To aviſs, comone, and conclude, how my Lord Prince ſall in all tymes to cum be obedient to his faider the King, and how that faiderly luff and tendernes ſall at all tymis be had betwex thame.

Item. How the lordis and uthir perſons being about my Lord Prince ſall haf our Soverane Lordis favoris, and grace, and hertly forgevinnys; and thar perſons to be in ſecurite, as beſt can be diviſit be the ſaid lordis, for cny diſpleſſour done to the Kingis hienes in ony tym bygane.

* Firſt publiſhed by Dr. Henry, in the appendix to his fifth volume, 4to: but it had eſcaped the author, who little expected any thing new in the worthy doctor's compilation from trivial authorities. It rectifies a miſtake in this work, that the prince was not then in the hands of the peers.

Item. At my Lord Prince ſall tak in hertlie favoris all lordis ſpiritual and temporale, and all utheris perſons that has ben with the Kingis hienes in conſale, or uthir ſervice, now in this tyme of truble.

Item. At al diſcentions and diſcordis, now ſtandand or beand betuex any lordis or gret baronis, of baith the pertis, ſal be drawin be the wiſdome of the ſaid lordis to unite concord, ſa that luff and favour may ſtand ymangis oure Soverane Lordis liegis. And peax to be had, and juſtice to proced; and ſpecialy betuix the Erle of Buchain and Lord Lile, &c.

*** Signed by the king's own hand, and preſented in the firſt parliament of James IV.

## N° XXIII. *Preſent State of the Scotiſh Records.*

Art. I. Curſory View of the State of the Records of Scotland, tranſmitted to John Pinkerton, Eſq. 5 July, 1796 *.

In obedience to M^r. Pinkerton's Letter of the 26^th ult^o. I have conſumed the principal part of ſeveral days in going over what Notes I am poſſeſſed of, in making enquiries at the different offices, and in examining the ſtate of our various Records; and now tranſmit to him in the following pages the information which I have obtained.

### RECORDS OF PARLIAMENT.

THE oldeſt volumes of the Parliamentary Record are in a ſtate ſo frail, from the waſte of time, and want of proper care, that, unleſs the utmoſt attention is paid in turning over the folios, parts of them are apt to be loſt by the operation. About five years ago, I examined every leaf of the three or four firſt volumes; but ſince that time the Keepers, by the deſire of the Lord Clerk Regiſter, prevent them from being handled: and M^r. William Robertſon is at preſent employed in making an Accurate Copy of them, that they may not be entirely loſt.

The firſt three Books of the Parliamentary Record are bound up in one Volume. The two firſt of theſe Books, which contain a part of the Regiam Majeſtatem, and Acts of Robert III, James I, II, III, are not original, but have been copied in 1487. The Genuine Records

* This paper, by a William Anderſon *writer* or attorney in Edinburgh, imperfect as it is, may give the reader ſome idea of the ſubject. Of the curious and important Chamberlain's Rolls Mr. A. obſerves, "independent of their being in much diſorder, they are covered with duſt, I might almoſt ſay buried in it." And after the expenſive erection of that ſplendid edifice, the new Regiſter Office, the following remark may ſurprize. "It is a great pity that ſuch a valuable Collection of Records ſhould, in a manner, be rendered entirely uſeleſs to the public, by the expence attending the inſpection of them, by the ſtate in which they are kept, and by the want of a ſmall fund, to recompenſe the perſon who would undertake to examine them with attention." The expence indeed is enormous, to judge from this attorney's bill, which exceeded Twelve Pounds, (not Scotiſh money but ſterling,) for a trifling labour, which in England would have been held richly recompenſed by three or four guineas.

As the importance of national records is extreme, there ought to be in every country a literary inſpector of the records, independent of the juridical arrangement, to attend to the preſervation of the more ancient, and publiſh curious extracts.

of the Scots Parliament commence with the 3d Book of this Volume, in the Reign of James III, Anno 1466, and go down to the year 1474. From this period, to the diſſolution of the Scots Parliament by the Union of the Kingdoms, the Record appears to be pretty entire. There are in all thirty ſix Books, bound up in twenty ſix volumes, all written on good paper and well bound. Of theſe however the fourteenth Book, which muſt have contained ſome proceedings of Parliament in the minority of James VI, is miſſing.

In the general Regiſter Houſe there are alſo preſerved ſeveral bundles of *Looſe Parliamentary Records*; for inſtance Commiſſions to Parliament in laſt Century, and debates in Diſputed Elections, &c. Beſides the volumes above-mentioned there are ſome *Decreets of Forfeiture* in Parliament, in Annis 1685, & 1690—5.

There are alſo ſeveral *Records of the Committee of Eſtates*, during the Common-wealth and Protectorate: but for want of binding, their Condition is ſo bad, that they cannot be properly looked into.

## RECORDS OF SECRET COUNCIL.

Of this Record there are a conſiderable number of volumes; ſeveral of which are depoſited in the General Regiſter Houſe, in the cuſtody of Meſſrs. Robertſons—others of them are kept in the Juſticiary office by Mr. Norris. The oldeſt, as Mr. Pinkerton obſerves, commences 6th June 1545, and ends 2d Auguſt 1547. Many of them however are loſt.

## GREAT SEAL RECORD.

The oldeſt Record of Charters, &c. paſſing the Great Seal, which is now known to exiſt, is a Roll of Robert I, about the 1316*. There are, as I am informed, twelve of theſe Rolls, ſome of which have only about twenty, others one hundred and twenty charters. They are all written on parchment: and the Charters they contain are granted by Robert I, David II, Robert II, and III.

The firſt Book of this Record is bound in red turkey; and contains about three hundred and twenty charters: ſome of them granted by David II, from the 33d, to the 41ſt, year of his reign, and others granted by Robert II.

The ſecond volume contains charters granted by King James I; but the Record of very few of his Charters has been preſerved. It alſo appears that the greateſt part of the Charters by James II, and III,

* A Scoticiſm for the *year* 1316.

have

have been loſt. Thoſe granted by James IV, on the contrary, ſeem to be complete; for there are Regiſtred Charters, which have been granted in every year of his long reign, which is far from being the caſe with thoſe of his predeceſſors. A good many alſo of thoſe granted by James V have periſhed. Queen Mary's ſeem to be tolerably entire; and from the reign of James VI downwards, it is thought, the whole are extant.

## PRIVY SEAL RECORD.

The Privy Seal Record, in the General Regiſter Houſe, conſiſts of about 116 volumes. It begins in the year 1499; and ends about the middle of laſt century.

This Record is a great repertorium of curioſity; and from this ſource the accurate narrator of facts in hiſtory might reap ſuperior advantages, as almoſt every tranſaction within the kingdom, worthy of the ſmalleſt notice, was in thoſe times the object of a Royal Letter. Every improvement in ſcience, every invention tending to comfort or utility, was made the ſubject of a patent under the Privy Seal, ſo that by the Inveſtigation of this Record the introduction of many of the arts into this kingdom, ſuch as printing, &c. might be clearly aſcertained.

## RECORDS OF SESSION.

Prior to the inſtitution of the College of Juſtice, 1537 * there were itinerant courts, which adminiſtered Juſtice in different parts of the kingdom. The oldeſt Record of their decreets begins in Oct^r. 1478.—Theſe are continued down pretty regularly, till the Court was eſtabliſhed in its preſent form. Only a few of the Acts and Decreets of the Court of Seſſion have been loſt; but it is ſuppoſed they will never merit the inveſtigation of an Hiſtorian, being exceedingly voluminous, and relating to nothing but the adjuſtment of private right.

## RECORDS OF JUSTICIARY.

Theſe volumes preſent much entertainment to the reader, who does not ſeriouſly reflect on the ſingular oppreſſion of the Criminals, particularly the poor Witches. The firſt volume commences 18 November 1524. But the reaſons and arguments, and narration of facts, very ſeldom appear in the Record, till towards the concluſion of that century. One or two volumes towards the beginning are wanting.

* 1532.

EXCHEQUER

## EXCHEQUER RECORDS.

There are depoſited in the Regiſter Office, under the Cuſtody of the Clerks in Exchequer, the Rolls of the Chamberlain's Accounts, from 1326 downwards, to the Amount of about 220, in a pretty regular ſeries *. There are not any other very old Records in their poſſeſſion. But the Meſſ^rs. Robertſons have the charge of many documents peculiar to Exchequer; ſuch as, The Record of Signatures beginning in 1561, proceedings in the Court of Exchequer anno 1584, Rentals of the Royal Property, as far back as 1479; Accounts of Cuſtoms 1510; Accounts of the Army and Houſehold Expence, 1511, &c.

## CHANCERY.

Beſides Retours of ſervices preſerved in Chancery, there are therein kept what are called the *Reſpondee Books*, which ſpecify the Sums due to the Crown or Prince, at the entry of an heir, &c. &c. and collected by the Sheriffs of the different Counties. Theſe commence anno 1587. The Retours commence about the year 1547: but there is a great Chaſm from 1549 to 1600; and the Record is very irregular, as many Retours, of dates both prior and poſterior to 1547, have been, and ſtill are, recorded in theſe volumes.

By Decreet of the Court of Seſſion, the Record of Charters paſſing the Great Seal was ſeveral years ago removed from this Office, and placed under the Charge of the Meſſ^rs. Robertſons.

## ADMIRALTY.

There exiſt Records of this Court, from 1597 downwards, in good Condition, which are kept, for the greater ſecurity, in the General Regiſter Houſe. One or two volumes prior to that date have periſhed. The Court, as it at preſent ſtands, was eſtabliſhed anno 1681.

## COMMISSARY.

The Records of this Court are preſerved from the period of its inſtitution. At leaſt it was eſtabliſhed, in its preſent form, by Queen Mary's Gift of the 8^th Feb^y 1563; and the firſt Minute Book of the Record commences 3 May 1564.

It is imagined that the Records of the more antient Conſiſtorial Courts were either carried off, or deſtroyed, at the Reformation.

* The Treaſurer's and Comptroller's Accompts probably commence about the year 1424, when James I inſtituted the former office.

Beſides

Beſides theſe there are Records of Saſines, Bonds, Hornings, Adjudications, Baptiſms, Records of the General Aſſembly, &c. But which, it is ſuppoſed, cannot be very beneficial to the Hiſtorian.

Perhaps I might add that a very conſiderable degree of accurate information might be obtained by peruſing the different chartularies of Ancient Monaſteries, which are to be found in the Lawyers Library, and elſewhere; ſuch as that of Aberdeen, Dryburgh, Arbroath, &c. &c. but the expence neceſſarily attending inveſtigations of that nature will, I am afraid, for ever prevent their being performed.

Art. II. Extract from The Caſe of Sir James Johnſtone of Weſterhall, Baronet, claiming the Titles, Honours and Dignities of Marquis of Annandale, &c. Preſented to the Houſe of Lords, 1794.

Reſpecting the preſent State of the Public Records of Scotland.

Before ſtating the Evidence concerning the Relation of Matthew, the firſt of the Claimant's Line, to the Family of Annandale, it is proper to obſerve, that although the Records of Scotland, in ſo far as concerns Charters, Saſines, and Retours, are now very regularly kept; yet it was not till the year 1617 that an act paſſed, appointing a Public Regiſter to be kept for all Saſines, Reverſions, &c. and declaring the ſame to be ineffectual againſt third parties, unleſs recorded therein, within 60 days.

And with reſpect to the Regiſter of Retours, it was not the practice in more ancient times to lodge them in chancery, they remained in the hands of the private parties; and the firſt Retour appearing in the Records of Chancery is dated 1st February 1547; but there were many Retours expede after that period, which do not appear in theſe Records.

The Records of the Great Seal, in which Charters were inſerted, were more regularly kept, but it frequently happened that the Parties carried away their Charters, before they were entered in the Record; and though they ſometimes brought them back afterwards to be recorded, yet very often they did not, and the time of bringing them back was various; ſo that Charters are not always recorded in the Books according to their dates, but thoſe of a prior date are frequently inſerted after thoſe of a poſterior date.

It is material in the preſent Caſe to obſerve, that the Book, which has been numbered IV, of the Records of Charters, ends with a Charter dated the 27th June 1452, and the Book now numbered V, begins with a Charter, dated the 5th Auguſt 1458; ſo that a part of the Records has been loſt, as there is an interval of ſix years, in which no Book now exiſts, in which Charters are found recorded. A few are found in Book V. which though dated during that interval, are inſerted among poſterior

poſterior Charters; but only two of theſe are dated preceding January 1458, one dated 25th October 1456, and another dated 6th December that year.

It was only by an act 12th July 1672, that a Regulation was made appointing all Charters, &c. which paſs the Great and Privy Seal, to be regiſtered in the Regiſters of theſe Seals before the Seals be appended to them, and ſuch Regiſtration to be marked thereon by the writers to the different Seals.

The Privy Seal Records are not preſerved of an older date than 1499.

The Signet, properly ſpeaking, has no Record. It is the place where the Original Signatures or Warrants of Charters ought to be depoſited, but none of theſe are to be found prior to 1607; and theſe Signatures often remained in the private Cuſtody of the Keeper of the Signet, and paſſing to his Repreſentatives, were generally loſt.

The Record of Saſines begins in 1617, in terms of the act of Parliament before referred to.

The Records of Parliament are very imperfect, and many Books are wanting, particularly about the period of 1455.

The Records of the Privy Council, are not preſerved further back than 1545, and ſubſequent to that year many intermediate Books are wanting.

The Record of Signatures in Exchequer begin in 1661, and although ſome of an older date are preſerved, yet they are few in number.

This imperfect ſtate of the Records, is partly to be aſcribed to negligence; but it is alſo certain, that a great part of the ancient Records of Scotland, were carried to England by Oliver Cromwell; and it is ſtated in the Report of the Court of Seſſion to your Lordſhips, 27th February 1740, that when the Regiſters, which had been carried to England during the uſurpation, were ſent back to Scotland by Sea after the Reſtoration, no leſs than Eighty five hogſheads, which in a Storm were taken out of the Eagle Frigate, and put into another veſſel, were all of them loſt by the wreck of that veſſel.

With reſpect to ancient Deeds in the hands of private Individuals, beſides the Loſs of many in the Calamities of War and Domeſtic Commotions, and by various other Cauſes which prevent the preſervation of Private Papers, it became leſs an object in Scotland to preſerve old Deeds and writings after the Act of Parliament had paſſed in the year 1617, by which it was declared that 40 years undiſturbed poſſeſſion, upon a Charter and Saſine, ſhould be held as a complete right to Lands, unleſs in certain caſes excepted.

The greateſt deficiency of the Records of Charters and Saſines and Retours, is found to be in thoſe prior to the year 1500.

N° XXIV. *Agreement in Parliament, between the Queen Dowager and the Livingſtons, 4 Sept.* 1439. Crawford's Peerage p. 276*.

THIS Appoyntment, made at Strivyline, the furd Day of the Moneth of September, the Yher of our Lord M.CCCC.XXXIX, proportis, that it is accordit betwix a right hye and mighti Princeſſe, Jehane be the Grace of God Queen of Scotland, on the ta part, and Sir Alexander of Livingſton of Kalentar, Sir William of Cranſton, Knightis, James of Livingſton, Son and Heir to the ſaid Sir Alexander, and John of Livingſton, Brother to the aforeſaid Sir Alexander, on the tother part, with the Avyſe and the Conſent of the thre Eſtates, beand thare in the general Counſele, there halden and gaderit, in fourme and manner efter folowande, That is to ſaye, In the firſt, touching the Declaracion of the Fame and Worſhip of the foreſaids Perſons, for the Reſtriction of the ſaid Princeſs' Will and Liberte, made be thaym and their Aſſiſtance. The ſaid Princeſs, with her Counſele, has ripely examinit, and diſcuſſit, the Cauſes and the Motyvis, be the whilks the forſaid Perſons war ſtirit to withdraw the forſaid Liberte fra hir, and has conſiderit, and knawleges, that what thing the ſaids Perſons did in that Matter touching hir, thai did it of gude zele and motife, and of grete Truth and Leaute that was in tham, bath to our Soveryne Lord the King and his ſawfte, and to the ſaid Princeſs in hir Worſhip: and in that Matter and all utheris, Scho reputes, haldes, and truſtis, tham all, and thair Aſſiſtance tharin, bath lele and trewe to hir, doand that thing as trew Lieges aw to do for thair Soveryne Lord, and hir Eſtate and Worſhip, and nane utherwyſe. Item, touching the Declaracione of the Fame and Worſtſhip of the ſaid Princeſſe, the foreſaid Sir Alexander, Sir William, James and John, and thair foreſaid Aſſiſtentes, declaris and knawleges in thair Leaute, that thair withdrawing of whilk Liberte fra hir, and that thai did in that Matter, was nought done in Vilany, na for Vilany, harme, na Sclandre, to hir Perſonne, na for na Lak, Cryme, na Faute, that thai, or ony of thaim, wiſt or knewe to hir Woman hede, but anerely for the Safete of owr Soveryn Lord, the Worſchip of hir Perſone, and the Common Gude of the Reamme. Atour for ſa mikle as the ſaid Princeſſe, be the occaſioune of whilk withdrawing of Liberte fra hir, conſaved griefe and diſpleſance again the ſaids Sir Alexander, Sir William, James and John, and thair

* This curious paper was omitted in its proper place, and ought to have been noticed in the text under this year.

Aſſiſtantes, conſidering that whilk thing was done of gude zele and motif, as before is declared, Scho has remittit, and removes, all the ſaide grief and diſpleaſance, that ſcho conſavit agayn thaim or ony of thaim, for the foreſaid Cauſe, or ony uther done or ſaid in time begane: and forther out forth that the ſaid Princeſſe had fulle declaracione, and varry witting of trouth and leaute, that was and is in the forſaid Sir Alexander, and all the other Perſones for written, in mare appert takin of Traiſte and hartlineſs in time cummyng, ſcho has, be the Avyſe of the ſaids thre Eſtates, committit to the ſaid Sir Alexander's keping our ſaid Soveryne Lord the King, hir derraſt Son, unto the time of his Age; and lent to him, for his Reſidence for the ſaid tyme, her Caſtel of Strivylyne, and aſſignit to the ſaid Sir Alexander, to the uphald of our ſaid Soveryn Lord, and his Siſtris, in the forſaid Caſtel, to his ſaid Age iiii$^{m}$ Markis of the uſuale Monee of Scotlande, the whilkis war aſignit to hir be the ſaid thre Eſtates, and for the ſame Cauſe. Alſua the ſaid Princeſſe ſal have acceſſe to viſit our ſaid Soveryn Lord hir Son, in the ſaid Place, with unſuſpect Perſonis, at hir liking, as is accordit betwix thaim. Item, for the mair ſikernes, the ſaid Princeſſe ſal mak ſic Lordis as are hir Men and retenewe, at the deſyre of the ſaid Sir Alexander, and of the Perſonis beforwritten, gif the forſaid Sir Alexander and Perſonis thair Letters under thair Sealis, that gif the ſaid Princeſſe cummis in the contrar of ony of the Appointment accordit in this Writ, that thai ſal nought aſſiſt to hir, na be in contrar of him, na of the ſaids Perſonis in tha Materis; but erar with him and them, in the fulfilling thereof. And the ſaids Lordis, that are Men and Retenew to hir, ſal be oblyſt in thair ſaids Letters, that thai ſal nouther do na ſay, to the ſaid Sir Alexander, na to the ſaid Perſonis, na thair Aſſiſtents, na procure to be done, na ſay to him, na thaim, Schame, Vilany, nar Harme, in ony wyſe for the forſaid Cauſe. Item, gif it happins, as God forebide, that our ſaid Soveryn Lord deceeſe, or that he cum to his ſaid Eld, the ſaid Sir Alexander ſal reſſave the forſaid Princeſſe in hir forſaid Caſtel frely, with mony, or Fewe, at hir Pleſance; likeas he is obliſte to hir of before be his Letters. Item, give it happenis the ſaid Sir Alexander to deceſe within the ſaid Age of our forſaid Soueryn Lord, his ſaid Son and Ayr, and all the Perſons forwritten, or that ſal be in the ſaid Caſtel, ſal be obliſte to delyver the ſaid Caſtel freli to hir, togidder with our ſaid Soueryn Lord, withoutten obſtakle or demande at hir deſyre, and aſking, outher be hir worde or her Letters under hir Sele: ſa that nouther the ſaid Sir Alexander, Sir William, James and John, be nought the neirar the Deede, be the miene of the ſaid Princeſſe, hir Procuracione or Servants. To the whilkis all and ſundry things foreſaid, leleli and truili to be kepit without Fraude or Gile, the ſaid Princeſſe and Sir Alexander, Sir William, James and John, the haly Evangelis touchit, has

has geven thair bodilie Aiths: and the ſaid Princeſſe and Sir Alexander has enterchangeably to this Writ indentit, ſet thair Seeles, togidder with the Seeles of reuerendes Fadres in Criſt, John, John, John, and Michael, be the Grace of God Biſhopis of Glaſgu, Murreve, Roſs, and Dunblane, for the part of the Clergy; and the Signet of a hye and mighti Lord William Erl of Douglas, havand the force and the effect of his Seele; the Seele of a Noble Lord, Sir Alexander Lord of Gordon, procurit be the Lord of Crechton Chancellar of Scotland for him, in abſence of his own Seele, and for the ſaid Lord of Gordon for himſelf; and the Seele of a Noble Lord, Sir Walter Lord of Dirlton, for the part of the Barouns; and the Seeles of James of Parcle, Commiſſare of Linlithgu, and of a venerable Fader in Criſte, David Abbot of Cambuſkynneth, procured be William of Cranſton Burges and Commiſſare of Edinburgh, and Andrew Rede Burges and Commiſſare of Innernes, Day, Year, and Place, before writen, for the part of the Burrows.

N° XXV. *Declaration of the Parliament concerning the ſlaughter of Douglas*, 12 *June* 1452*. MS. Advocates Library, W 6. 44.

Declaratio Trium Regni Statuum Parliamenti, pro Rege, de morte Comitis de D.

PRELATI, Duces, Comites, Magnates, Proceres, Barones, *Civitatum* et Burgorum Commiſſarii, tres Regni Status repreſentantes, in parliamento apud burgum de Ed. xii° die menſis Junii, Anno Dni. M° iiii^c lii, tento et inchoato, preſentes, Univerſis et ſingulis perfidelibus, ad quorum notitias preſentes literæ pervenerint, Salutem in omnium Salvatore. Sereniſſimus Princeps, Jacobus Dei Gratia Scotorum Rex, in dicto ſuo parliamento preſedens, aſſeruit ad ejus deveniſſe notitiam, quod certi emuli et rebelles ſui, extra et infra regnum ſuum, famam ſuam denigrare et blaſphemare conantes, temere et inique aſſerere moliuntur, eundem Supremum Dominum noſtrum Regem quondam Wil^m. Comitem de Douglas, ſub ſpeciali reſpectuatione †, et certis aliis ſecuritatibus, occidiſſe. Quam blaſphemiam idem Sereniſſimus Dns. noſter moleſte ferens, Tres Status regni ſui, in dicto parliamento preſentes, inſtanter requiſivit, ut ad ſuam innocentiam declarandam ſuper præmiſſis, ac etiam ſuper occaſionibus, cauſis, et motivis, mortis dicti Comitis, veritatem inquirerent; et deſuper expreſſam Declarationem, ad futuram rei memoriam, ſub antedicto documento conficere vellent. Tres vero Status prædicti, attendentes præfatam requiſitionem tam juſtam, quam potens in odore bonæ famæ quam falſis et fictis blaſphemiis extat * * gaudendi, ad inquiſitionem præmiſſorum, digeſta et magna maturitate, procedentes; ac propterea ad partem, et extra preſentiam præfati Sereniſſimi Principis, quælibet pars dictorum Trium Statuum, dimittendo et in ſingulis domibus ſibi aſſignatis conſedendo, ac examinationes deſuper facientes, tandem ex claris depoſitionibus et relationibus magnorum baronum, precipuorum militum, et nobilium, in magno numero, coram tribus regni ſtatibus deſuper examinatorum, Clare Conſtitit, et Probatum Extitit, quod præfatus quondam W. de D. ſe reſpectuationem aliquam, aut aliquas, a dicto eximio Domino Rege, die precedente mortem ſuam, illis reſpectuationi et ſecuritatibus, coram multitudine baronum, præcipuorum militum, et nobilium, expreſſe

* This paper was not tranſmitted till the Appendix was almoſt printed. For ſome account of the MS. whence it was copied ſee the Appendix to Vol. II.

† *Reſpectuatio*, a ſafe-conduct. Du Cange *in voce*.

renunciavit.

renunciavit. Et deſuper ex literis, et evidentiis multis, ſigillo quondam dicti Comitis ſigillatis, in Parliamento perlectis, ac aliis claris deductionibus, et probationibus, apperte conſtitit de Ligis et Conſpirationibus, per dictum Comitem cum certis Regni Majoribus, in oppreſſionem et offenſam Seren. Regiæ Majeſtatis factis et initis; ac rebellionibus publicis per ipſum, ac ſuos fratres et complices, frequenter perpetratis. Necnon poſt multas perſuaſiones dulces, tam per Regem, quam per diverſos barones, et proceres, ad complacend. et aſſiſtand. Regem contra ſuos rebelles, eidem W°. Comiti die mortis ſuæ factas; obſtinatia tam perpetua, per eundem W. Comitem Sereniſſimo Domino Regi oſtenſa, (et aliis maleficiis per eundem etiam compertis,) occaſionem mortis ſuæ procuraſſe et dediſſe videtur. Tres igitur Status prædicti, præmiſſis attentis, Expreſſe Declarant præfatum Seren. Dom. Regem nullam reſpectuationem, aut aliam ſecuritatem, in morte dicti quondam W. Comitis infregiſſe ſeu violaſſe. Ac etiam, ex prædictis Conſpirationibus, Ligis, Rebellionibus, et Maleficiis, in contemptum et offenſam Sereniſſimæ Regiæ Majeſtatis, inverecunde per eund. W. comitem, et ſuos complices, nequiter geſtis, et perpetratis, occaſionem mortis ſuæ procuraſſe et dediſſe. In cujus Declarationis fidem et teſtimonium, &c.

END OF THE FIRST VOLUME.

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